

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1362 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-49.1 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JANUARY 1, 2008]: **Sec. 49.1. "Township" means the**
- 6 **following:**
- 7 **(1) A township in a county not having a consolidated city.**
- 8 **(2) A township district (as defined in IC 36-6-4.1-5) in a**
- 9 **county having a consolidated city.**
- 10 SECTION 2. IC 3-8-1-30 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 30. A candidate
- 12 for the office of **small claims** judge ~~of a small claims court~~ **(as defined**
- 13 **in IC 33-33-49-5.2)** must:
- 14 (1) be a United States citizen upon taking office;
- 15 (2) either:
- 16 (A) have resided in the township from which the candidate is
- 17 elected for at least one (1) year upon taking office; or
- 18 (B) have been elected as a small claims court judge in the
- 19 township before 1999;
- 20 (3) be of high moral character and reputation; and
- 21 (4) be admitted to the practice of law in Indiana upon filing a
- 22 declaration of candidacy or petition of nomination or upon the
- 23 filing of a certificate of candidate selection under IC 3-13-1-15 or
- 24 IC 3-13-2-8.
- 25 SECTION 3. IC 3-8-1-31 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 31. A candidate for the office of **small claims** constable ~~of a small claims court~~ must:

- (1) have resided in the township for more than one (1) year upon taking office; and
- (2) be at least twenty-one (21) years old upon taking office.

SECTION 4. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. A declaration of candidacy for:

- (1) a federal office;
- (2) a state office;
- (3) a legislative office; or
- (4) the local office of:
  - (A) judge of a circuit, superior, probate, ~~or county or small claims~~ court; or
  - (B) prosecuting attorney of a judicial circuit;

shall be filed with the secretary of state.

SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.221-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

#### OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ) on or in the box before the person's name in the proper column. For punch card ballots, print: To vote for a person, punch through the chad before the number assigned to the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB \_\_\_\_\_

☐ (2) CD \_\_\_\_\_

☐ (3) EF \_\_\_\_\_

☐ (4) GH \_\_\_\_\_

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:
  - (A) President of the United States.
  - (B) United States Senator.
  - (C) Governor.

- 1 (D) United States Representative.
- 2 (2) Legislative offices:
- 3 (A) State senator.
- 4 (B) State representative.
- 5 (3) Circuit offices and county judicial offices:
- 6 (A) Judge of the circuit court, and unless otherwise specified
- 7 under IC 33, with each division separate if there is more than
- 8 one (1) judge of the circuit court.
- 9 (B) Judge of the superior court, and unless otherwise specified
- 10 under IC 33, with each division separate if there is more than
- 11 one (1) judge of the superior court.
- 12 (C) Judge of the probate court.
- 13 (D) Judge of the county court, with each division separate, as
- 14 required by IC 33-30-3-3.
- 15 (E) Prosecuting attorney.
- 16 (F) Circuit court clerk.
- 17 (4) County offices:
- 18 (A) County auditor.
- 19 (B) County recorder.
- 20 (C) County treasurer.
- 21 (D) County sheriff.
- 22 (E) County coroner.
- 23 (F) County surveyor.
- 24 (G) County assessor.
- 25 (H) County commissioner.
- 26 (I) County council member.
- 27 (5) Township offices:
- 28 (A) Township assessor.
- 29 (B) Township trustee.
- 30 (C) Township board member.
- 31 (D) **Small claims** judge. ~~of the small claims court.~~
- 32 (E) **Small claims** constable. ~~of the small claims court.~~
- 33 (6) City offices:
- 34 (A) Mayor.
- 35 (B) Clerk or clerk-treasurer.
- 36 (C) Judge of the city court.
- 37 (D) City-county council member or common council member.
- 38 (7) Town offices:
- 39 (A) Clerk-treasurer.
- 40 (B) Judge of the town court.
- 41 (C) Town council member.
- 42 (c) The political party offices with candidates for election shall be
- 43 placed on the primary election ballot in the following order after the
- 44 offices described in subsection (b):
- 45 (1) Precinct committeeman.
- 46 (2) State convention delegate.
- 47 (d) The following offices and public questions shall be placed on the

primary election ballot in the following order after the offices described in subsection (c):

- (1) School board offices to be elected at the primary election.
- (2) Other local offices to be elected at the primary election.
- (3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
- (2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or
- (3) either:
  - (A) on a separate screen for each office or public question; or
  - (B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 6. IC 3-10-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee.
- (12) Township board member.
- (13) Township assessor.
- (14) ~~Small claims judge. of a small claims court.~~
- (15) ~~Small claims constable. of a small claims court.~~

SECTION 7. IC 3-11-2-12, AS AMENDED BY P.L.2-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
  - (A) President and Vice President of the United States.

- 1 (B) United States Senator.
- 2 (C) Governor and lieutenant governor.
- 3 (D) Secretary of state.
- 4 (E) Auditor of state.
- 5 (F) Treasurer of state.
- 6 (G) Attorney general.
- 7 (H) Superintendent of public instruction.
- 8 (I) United States Representative.
- 9 (2) Legislative offices:
- 10 (A) State senator.
- 11 (B) State representative.
- 12 (3) Circuit offices and county judicial offices:
- 13 (A) Judge of the circuit court, and unless otherwise specified
- 14 under IC 33, with each division separate if there is more than
- 15 one (1) judge of the circuit court.
- 16 (B) Judge of the superior court, and unless otherwise specified
- 17 under IC 33, with each division separate if there is more than
- 18 one (1) judge of the superior court.
- 19 (C) Judge of the probate court.
- 20 (D) Judge of the county court, with each division separate, as
- 21 required by IC 33-30-3-3.
- 22 (E) Prosecuting attorney.
- 23 (F) Clerk of the circuit court.
- 24 (4) County offices:
- 25 (A) County auditor.
- 26 (B) County recorder.
- 27 (C) County treasurer.
- 28 (D) County sheriff.
- 29 (E) County coroner.
- 30 (F) County surveyor.
- 31 (G) County assessor.
- 32 (H) County commissioner.
- 33 (I) County council member.
- 34 (5) Township offices:
- 35 (A) Township assessor.
- 36 (B) Township trustee.
- 37 (C) Township board member.
- 38 (D) **Small claims** judge. ~~of the small claims court.~~
- 39 (E) **Small claims** constable. ~~of the small claims court.~~
- 40 (6) City offices:
- 41 (A) Mayor.
- 42 (B) Clerk or clerk-treasurer.
- 43 (C) Judge of the city court.
- 44 (D) City-county council member or common council member.
- 45 (7) Town offices:
- 46 (A) Clerk-treasurer.
- 47 (B) Judge of the town court.

1 (C) Town council member.

2 SECTION 8. IC 3-13-1-15 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) A county  
4 chairman filling a candidate vacancy under section 6(a)(2) of this  
5 chapter or the chairman of a meeting filling a candidate vacancy under  
6 this chapter shall file a written certificate of candidate selection on a  
7 form prescribed by the commission stating the following information  
8 for each candidate selected:

9 (1) The name of each candidate as:

10 (A) the candidate wants the candidate's name to appear on the  
11 ballot; and

12 (B) the candidate's name is permitted to appear on the ballot  
13 under IC 3-5-7.

14 (2) The residence address of each candidate.

15 (b) The certificate shall be filed with:

16 (1) the election division for:

17 (A) a committee acting under section 3, 4, 5, or 6(b) of this  
18 chapter; or

19 (B) a committee acting under section 6(a) of this chapter to fill  
20 a candidate vacancy in the office of judge **or small claims**  
21 **judge** of a circuit, superior, probate, **or county or small claims**  
22 court or prosecuting attorney; or

23 (2) the circuit court clerk, for a committee acting under section  
24 6(a) of this chapter to fill a candidate vacancy for a local office  
25 not described in subdivision (1).

26 (c) This subsection applies to a candidate vacancy resulting from a  
27 vacancy on the primary election ballot as described in section 2 of this  
28 chapter. The certificate required by subsection (a) shall be filed not later  
29 than noon July 3 before election day.

30 (d) This subsection applies to all candidate vacancies not described  
31 by subsection (c). The certificate required by subsection (a) shall be  
32 filed not more than three (3) days (excluding Saturdays and Sundays)  
33 after selection of the candidates.

34 SECTION 9. IC 3-13-2-8, AS AMENDED BY P.L.2-2005,  
35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JANUARY 1, 2007]: Sec. 8. (a) The chairman or chairmen filling a  
37 candidate vacancy under this chapter shall immediately file a written  
38 certificate of candidate selection on a form prescribed by the  
39 commission stating the following information for each candidate  
40 selected:

41 (1) The name of each candidate as:

42 (A) the candidate wants the candidate's name to appear on the  
43 ballot; and

44 (B) the candidate's name is permitted to appear on the ballot  
45 under IC 3-5-7.

46 (2) The residence address of each candidate.

47 (b) The certificate shall be filed with:

(1) the election division for:

(A) one (1) or more chairmen acting under section 2, 3, 4, or 5(b) of this chapter; or

(B) a committee acting under section 5(b) of this chapter to fill a candidate vacancy for the office of judge **or small claims judge** of a circuit, superior, probate, **or county or small claims** court or prosecuting attorney; or

(2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision

(1).

(c) The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

SECTION 10. IC 3-13-10-5, AS AMENDED BY P.L.119-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) This section applies to a vacancy in the office of **small claims** judge ~~of a small claims court~~ or small claims ~~court~~ constable not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the township board at a regular or special meeting. The chairman of the township board shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each board member at least ten (10) days before the meeting.

(c) If a vacancy exists because of the death of a judicial officer, the meeting required by subsection (b) shall be held not later than thirty (30) days after the chairman of the township board receives notice of the death under IC 5-8-6. The chairman of the township board may not give the notice required by subsection (b) until the chairman of the township board receives notice of the death under IC 5-8-6.

**mayor of the consolidated city.**

SECTION 11. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

(1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(2) Of the circuit court clerk, officers of a political subdivision or school corporation, and **small claims** constables, ~~of a small claims court~~, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.

(3) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 12. IC 5-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

(1) The governor and lieutenant governor shall notify the principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.

(2) A member of the general assembly shall notify the following, whichever applies:

(A) A member of the senate shall notify the president pro tempore of the senate.

(B) A member of the house of representatives shall notify the speaker of the house of representatives.

(3) The following officers commissioned by the governor under IC 4-3-1-5 shall notify the governor:

(A) An elector or alternate elector for President and Vice President of the United States.

(B) The secretary of state, auditor of state, treasurer of state, superintendent of public instruction, or attorney general.

(C) An officer elected by the general assembly, the senate, or the house of representatives.

(D) A justice of the Indiana supreme court, judge of the Indiana court of appeals, or judge of the Indiana tax court.

(E) A judge **or small claims judge** of a circuit, city, county, probate, superior, **or town or township small claims** court.

(F) A prosecuting attorney.

(G) A circuit court clerk.

(H) A county auditor, county recorder, county treasurer, county sheriff, county coroner, or county surveyor.

(4) An officer of a political subdivision (as defined by IC 36-1-2-13) other than an officer listed in subdivision (3) shall notify the circuit court clerk of the county containing the largest percentage of population of the political subdivision.

(5) An officer not listed in subdivisions (1) through (4) shall notify the person or entity from whom the officer received the officer's appointment.



(b) A person or an entity that receives notice of a resignation and does not have the power to fill the vacancy created by the resignation shall, not later than seventy-two (72) hours after receipt of the notice of resignation, give notice of the vacancy to the person or entity that has the power to:

(1) fill the vacancy; or

(2) call a caucus for the purpose of filling the vacancy.

SECTION 13. IC 5-10.1-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. "Governing body" means the fiscal body of a county, city, town, ~~or~~ township, **or township district**, a trustee, the township board, board of school commissioners, library board, or any board which by law is authorized to fix a rate of taxation on property of a political subdivision, or any other board which is empowered to administer the affairs of any department of, or associated with, a political subdivision, which department receives revenue independently of, or in addition to, funds obtained from taxation.

SECTION 14. IC 5-10.1-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. Political Subdivision. "Political subdivision" as used in this article means a county, city, town, township, **township district**, political body corporate, political entity, local housing authority, public school corporation, public library, public utility of a county, city, town, or township whether the public utility is operated by the city or town or under the terms of a trusteeship for the benefit of the city or town, and a department of, or associated with, a county, city, town, or township, which department receives revenue independently of, or in addition to, funds obtained through taxation. A state agency or a judicial circuit may not be construed as a political subdivision.

SECTION 15. IC 6-1.1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

**Chapter 1.5. County Assessor Performs Township Assessor Duties**

**Sec. 1. In a county having a consolidated city, the county assessor has the same duties and responsibilities for the county that the township assessor in a county that does not have a consolidated city has for the township.**

SECTION 16. IC 6-1.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) On or before June 1 of each year, each township assessor of a county **not having a consolidated city** shall deliver to the county assessor a list which states by taxing district the total of the personal property assessments as shown on the personal property returns filed with the **township** assessor on or before the filing date of that year. ~~and in a county with a township assessor under IC 36-6-5-1 in every township the township assessor shall deliver the lists to the county auditor as~~

1 ~~prescribed in subsection (b):~~

2 (b) On or before July 1 of each year, each county assessor shall  
3 certify to the county auditor the assessment value of the personal  
4 property in every taxing district.

5 (c) The department of local government finance shall prescribe the  
6 forms required by this section.

7 SECTION 17. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005,  
8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JANUARY 1, 2007]: Sec. 13.8. (a) As used in this section,  
10 "commission" refers to a county land valuation commission established  
11 under subsection (b).

12 (b) Subject to subsection (l), a county land valuation commission is  
13 established in each county for the purpose of determining the value of  
14 commercial, industrial, and residential land (including farm homesites)  
15 in the county.

16 (c) The county assessor is chairperson of the commission.

17 (d) The following are members of the commission:

18 (1) The county assessor. The county assessor shall cast a vote  
19 only to break a tie.

20 (2) **Except in a county having a consolidated city**, each  
21 township assessor, when the respective township land values for  
22 that township assessor's township are under consideration. A  
23 township assessor serving under this subdivision shall vote on all  
24 matters relating to the land values of that township assessor's  
25 township.

26 (3) **Except in a consolidated city**, one (1) township assessor from  
27 the county to be appointed by a majority vote of all the township  
28 assessors in the county.

29 (4) One (1) county resident who:

30 (A) holds a license under IC 25-34.1-3 as a salesperson or  
31 broker; and

32 (B) is appointed by:

33 (i) the board of commissioners (as defined in IC 36-3-3-10)  
34 for a county having a consolidated city; or

35 (ii) the county executive (as defined in IC 36-1-2-5) for a  
36 county not described in item (i).

37 (5) Four (4) individuals who:

38 (A) are appointed by the county executive (as defined in  
39 IC 36-1-2-5); and

40 (B) represent one (1) of the following four (4) kinds of land in  
41 the county:

42 (i) Agricultural.

43 (ii) Commercial.

44 (iii) Industrial.

45 (iv) Residential.

46 Each of the four (4) kinds of land in the county must be  
47 represented by one (1) individual appointed under this

- 1 subdivision.
- 2 (6) One (1) individual who:
- 3 (A) represents financial institutions in the county; and
- 4 (B) is appointed by:
- 5 (i) the board of commissioners (as defined in IC 36-3-3-10)
- 6 for a county having a consolidated city; or
- 7 (ii) the county executive (as defined in IC 36-1-2-5) for a
- 8 county not described in item (i).
- 9 (e) The term of each member of the commission begins November
- 10 1 of the year that precedes by two (2) years the year in which a general
- 11 reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year
- 12 in which the general reassessment begins under IC 6-1.1-4-4. The
- 13 appointing authority may fill a vacancy for the remainder of the vacated
- 14 term.
- 15 (f) The commission shall determine the values of all classes of
- 16 commercial, industrial, and residential land (including farm homesites)
- 17 in the county using guidelines determined by the department of local
- 18 government finance. Not later than November 1 of the year preceding
- 19 the year in which a general reassessment begins, the commission
- 20 determining the values of land shall submit the values, all data
- 21 supporting the values, and all information required under rules of the
- 22 department of local government finance relating to the determination of
- 23 land values to the county property tax assessment board of appeals and
- 24 the department of local government finance. Not later than January 1
- 25 of the year in which a general reassessment begins, the county property
- 26 tax assessment board of appeals shall hold a public hearing in the
- 27 county concerning those values. The property tax assessment board of
- 28 appeals shall give notice of the hearing in accordance with IC 5-3-1 and
- 29 shall hold the hearing after March 31 of the year preceding the year in
- 30 which the general reassessment begins and before January 1 of the year
- 31 in which the general reassessment under IC 6-1.1-4-4 begins.
- 32 (g) The county property tax assessment board of appeals shall
- 33 review the values, data, and information submitted under subsection (f)
- 34 and may make any modifications it considers necessary to provide
- 35 uniformity and equality. The county property tax assessment board of
- 36 appeals shall coordinate the valuation of property adjacent to the
- 37 boundaries of the county with the county property tax assessment
- 38 boards of appeals of the adjacent counties using the procedures adopted
- 39 by rule under IC 4-22-2 by the department of local government finance.
- 40 If the commission fails to submit land values under subsection (f) to the
- 41 county property tax assessment board of appeals before January 1 of the
- 42 year the general reassessment under IC 6-1.1-4-4 begins, the county
- 43 property tax assessment board of appeals shall determine the values.
- 44 (h) The county property tax assessment board of appeals shall give
- 45 notice to the county and township assessors, **if any**, of its decision on
- 46 the values. The notice must be given before March 1 of the year the
- 47 general reassessment under IC 6-1.1-4-4 begins. Not later than twenty

(20) days after that notice, the county assessor or a township assessor in the county, **if any**, may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals shall hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(i) Not later than twenty (20) days after notice to the county **assessor** and **the** township assessor, **if any**, is given under subsection (h), a taxpayer may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals may hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(j) A taxpayer may appeal the value determined under this section as applied to the taxpayer's land as part of an appeal filed under IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a taxpayer that files an appeal under IC 6-1.1-15 requests the values, data, or information received by the county property tax assessment board of appeals under subsection (f), the county property tax assessment board of appeals shall satisfy the request. The department of local government finance may modify the taxpayer's land value and the value of any other land in the township, the county where the taxpayer's land is located, or the adjacent county if the department of local government finance determines it is necessary to provide uniformity and equality.

(k) The county assessor shall notify all township assessors, **if any**, in the county of the values as determined by the commission and as modified by the county property tax assessment board of appeals or department of local government finance under this section. Township assessors shall use the values determined under this section.

(l) After notice to the county assessor and all township assessors in the county, **if any**, a majority of the assessors authorized to vote under this subsection may vote to abolish the county land valuation commission established under subsection (b). Each township assessor, **if any**, and the county assessor has one (1) vote. The county assessor shall give written notice to:

- (1) each member of the county land valuation commission; and
  - (2) each township assessor, **if any**, in the county;
- of the abolishment of the commission under this subsection.

SECTION 18. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25. (a) Each township assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township assessor's records shall at all times show the assessed value of real property in accordance with the provisions of this

chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) ~~The township assessor in a county having a consolidated city, or the county assessor in every other county,~~ shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels; and

(B) the personal property return characteristics and assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of the year to:

(A) the legislative services agency; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 19. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. Not later than May 15, each assessing official **in a county not having a consolidated city** shall prepare and deliver to the county assessor a detailed list of the real property listed for taxation in the township. On or before July 1 of each year, each county assessor shall, under oath, prepare and deliver to the county auditor a detailed list of the real property listed for taxation in the county. ~~In a county with an elected township assessor in every township the township assessor shall prepare the real property list.~~ The assessing officials and the county assessor shall prepare the list in the

form prescribed by the department of local government finance. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

SECTION 20. IC 6-1.1-5.5-3, AS AMENDED BY P.L.228-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) For purposes of this section, "party" includes:

(1) a seller of property that is exempt under the seller's ownership; or

(2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) Before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form.

(c) ~~Except as provided in subsection (d);~~ The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency

~~(1) before January 1, 2005, in an electronic format, if possible; and~~

~~(2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.~~

The county assessor shall forward a copy of the sales disclosure forms to the township assessors, **if any**, in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

~~(d) In a county containing a consolidated city, the auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency:~~

~~(1) before January 1, 2005, in an electronic format, if possible; and~~

~~(2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.~~

The forms may be used by the county assessing officials, the

1 department of local government finance, and the legislative services  
 2 agency for the purposes established in IC 6-1.1-4-13-6; sales ratio  
 3 studies; equalization; adoption of rules under IC 6-1.1-31-3 and  
 4 IC 6-1.1-31-6; and any other authorized purpose.

5 ~~(c)~~ (d) If a sales disclosure form includes the telephone number or  
 6 Social Security number of a party, the telephone number or Social  
 7 Security number is confidential.

8 SECTION 21. IC 6-1.1-5.5-12 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) A party to  
 10 a conveyance who:

11 (1) is required to file a sales disclosure form under this chapter;  
 12 and

13 (2) fails to file a sales disclosure form at the time and in the  
 14 manner required by this chapter;

15 is subject to a penalty in the amount determined under subsection (b).

16 (b) The amount of the penalty under subsection (a) is the greater of:

17 (1) one hundred dollars (\$100); or

18 (2) twenty-five thousandths percent (0.025%) of the sale price of  
 19 the real property transferred under the conveyance document.

20 (c) The ~~township assessor in a county containing a consolidated city,~~  
 21 ~~or the county assessor in any other county,~~ shall:

22 (1) determine the penalty imposed under this section;

23 (2) assess the penalty to the party to a conveyance; and

24 (3) notify the party to the conveyance that the penalty is payable  
 25 not later than thirty (30) days after notice of the assessment.

26 (d) The county auditor shall:

27 (1) collect the penalty imposed under this section;

28 (2) deposit penalty collections as required under section 4 of this  
 29 chapter; and

30 (3) notify the county prosecuting attorney of delinquent payments.

31 (e) The county prosecuting attorney shall initiate an action to  
 32 recover a delinquent penalty under this section. In a successful action  
 33 against a person for a delinquent penalty, the court shall award the  
 34 county prosecuting attorney reasonable attorney's fees.

35 SECTION 22. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005,  
 36 SECTION 10, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) Each year a township  
 38 assessor shall assess the fixed property which as of the assessment date  
 39 of that year is:

40 (1) owned or used by a public utility company; and

41 (2) located in the township the township assessor serves.

42 (b) The township assessor shall determine the assessed value of  
 43 fixed property. **Except as provided in subsection (c),** the township  
 44 assessor shall certify the assessed values to the county assessor on or  
 45 before April 1 of the year of assessment. **However, The county**  
 46 **assessor shall review the assessed values and shall certify the**  
 47 **assessed values to the department of local government finance on**

1 **or before April 10 of the year of assessment.**

2 (c) In a county with an elected township assessor in every township,  
3 the township assessor shall certify the list to the department of local  
4 government finance. **In a county having a consolidated city**, the  
5 county assessor shall ~~review the assessed values and shall~~ certify the  
6 ~~assessed values list~~ to the department of local government finance. ~~on~~  
7 ~~or before April 10 of the year of assessment.~~

8 SECTION 23. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA  
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JANUARY 1, 2007]: **Sec. 21. (a) The ad valorem**  
11 **property tax levy limits imposed by this chapter do not apply to ad**  
12 **valorem property taxes imposed by a consolidated city to pay or**  
13 **fund any indebtedness assumed, defeased, paid, or refunded under**  
14 **IC 36-3-1-6.1, IC 36-3-1-6.3, or IC 36-6-1.1-4.**

15 (b) For property taxes first due and payable each year beginning  
16 in 2007, the maximum permissible ad valorem property tax levy for  
17 a consolidated city is increased each year by an amount equal to the  
18 lesser of:

19 (1) the difference between:

20 (A) the maximum permissible ad valorem property tax levy  
21 under section 3 of this chapter for the current year for the  
22 consolidated city's fire special service district created  
23 under IC 36-3-1-6; and

24 (B) the amount levied that year for the fire special service  
25 district; or

26 (2) ten percent (10%) of the maximum permissible ad valorem  
27 property tax levy under section 3 of this chapter for property  
28 taxes first due and payable in 2007 for the consolidated city's  
29 fire special service district created under IC 36-3-1-6.

30 SECTION 24. IC 6-1.1-28-1, AS AMENDED BY P.L.228-2005,  
31 SECTION 24, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JANUARY 1, 2007]: **Sec. 1. (a) This section applies to**  
33 **all counties except a county having a consolidated city.** Each county  
34 shall have a county property tax assessment board of appeals composed  
35 of individuals who are at least eighteen (18) years of age and  
36 knowledgeable in the valuation of property. In addition to the county  
37 assessor, only one (1) other individual who is an officer or employee of  
38 a county or township may serve on the board of appeals in the county  
39 in which the individual is an officer or employee. Subject to subsections  
40 (d) and (e), the fiscal body of the county shall appoint two (2)  
41 individuals to the board. At least one (1) of the members appointed by  
42 the county fiscal body must be a certified level two assessor-appraiser.  
43 Subject to subsections (d) and (e), the board of commissioners of the  
44 county shall appoint two (2) freehold members so that not more than  
45 three (3) of the five (5) members ~~may be~~ **are** of the same political party  
46 and so that at least three (3) of the five (5) members are residents of the  
47 county. At least one (1) of the members appointed by the board of



1 county commissioners must be a certified level two assessor-appraiser.  
 2 If the county assessor is a certified level two assessor-appraiser, the  
 3 board of county commissioners may waive the requirement in this  
 4 subsection that one (1) of the freehold members appointed by the board  
 5 of county commissioners must be a certified level two  
 6 assessor-appraiser. A person appointed to a property tax assessment  
 7 board of appeals may serve on the property tax assessment board of  
 8 appeals of another county at the same time. The members of the board  
 9 shall elect a president. The employees of the county assessor shall  
 10 provide administrative support to the property tax assessment board of  
 11 appeals. The county assessor is a voting member of the property tax  
 12 assessment board of appeals. The county assessor shall serve as  
 13 secretary of the board. The secretary shall keep full and accurate  
 14 minutes of the proceedings of the board. A majority of the board that  
 15 includes at least one (1) certified level two assessor-appraiser  
 16 constitutes a quorum for the transaction of business. Any question  
 17 properly before the board may be decided by the agreement of a  
 18 majority of the whole board.

19 (b) The county assessor, county fiscal body, and board of county  
 20 commissioners may agree to waive the requirement in subsection (a)  
 21 that not more than three (3) of the five (5) members of the county  
 22 property tax assessment board of appeals may be of the same political  
 23 party if it is necessary to waive the requirement due to the absence of  
 24 certified level two Indiana assessor-appraisers:

- 25 (1) who are willing to serve on the board; and
- 26 (2) whose political party membership status would satisfy the
- 27 requirement in subsection ~~(c)(1)~~: (a).

28 (c) If the board of county commissioners is not able to identify at  
 29 least two (2) prospective freehold members of the county property tax  
 30 assessment board of appeals who are:

- 31 (1) residents of the county;
- 32 (2) certified level two Indiana assessor-appraisers; and
- 33 (3) willing to serve on the county property tax assessment board
- 34 of appeals;

35 it is not necessary that at least three (3) of the five (5) members of the  
 36 county property tax assessment board of appeals be residents of the  
 37 county.

38 (d) Except as provided in subsection (e), the term of a member of the  
 39 county property tax assessment board of appeals appointed under  
 40 subsection (a):

- 41 (1) is one (1) year; and
- 42 (2) begins January 1.

43 (e) If:

- 44 (1) the term of a member of the county property tax assessment
- 45 board of appeals appointed under subsection (a) expires;
- 46 (2) the member is not reappointed; and
- 47 (3) a successor is not appointed;

1 the term of the member continues until a successor is appointed.

2 SECTION 25. IC 6-1.1-28-1.5 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JANUARY 1, 2007]: **Sec. 1.5. (a) This section applies**  
5 **to a county having a consolidated city. The county property tax**  
6 **assessment board of appeals is established, composed of individuals**  
7 **who are at least eighteen (18) years of age and knowledgeable in the**  
8 **valuation of property. In addition to the county assessor, who**  
9 **serves as a nonvoting member, only one (1) other individual who is**  
10 **an officer or employee of the county may serve on the board of**  
11 **appeals. The fiscal body of the county shall appoint two (2)**  
12 **individuals to the board. At least one (1) of the members appointed**  
13 **by the county fiscal body must be a certified level two Indiana**  
14 **assessor-appraiser. The board of commissioners of the county shall**  
15 **appoint three (3) freehold members so that not more than three (3)**  
16 **of the five (5) voting members are of the same political party and**  
17 **so that at least three (3) of the five (5) voting members are residents**  
18 **of the county. At least one (1) of the members appointed by the**  
19 **board of county commissioners must be a certified level two**  
20 **Indiana assessor-appraiser. One (1) of the members appointed by**  
21 **the board of county commissioners must be a representative of a**  
22 **neighborhood or taxpayer organization located in the county. A**  
23 **person appointed to a property tax assessment board of appeals**  
24 **may serve on the property tax assessment board of appeals of**  
25 **another county at the same time. The members of the board shall**  
26 **elect a president. The employees of the county assessor shall**  
27 **provide administrative support to the property tax assessment**  
28 **board of appeals. The county assessor shall serve as secretary of the**  
29 **board. The secretary shall keep full and accurate minutes of the**  
30 **proceedings of the board. A majority of the voting members of the**  
31 **board that includes at least one (1) certified level two Indiana**  
32 **assessor-appraiser constitutes a quorum for the transaction of**  
33 **business. Any question properly before the board may be decided**  
34 **by the agreement of a majority of the voting members of the board.**

35 (b) The county fiscal body and board of commissioners of the  
36 county may agree to waive the requirement in subsection (a) that  
37 not more than three (3) of the five (5) members of the county  
38 property tax assessment board of appeals are of the same political  
39 party if it is necessary to waive the requirement due to the absence  
40 of certified level two Indiana assessor-appraisers:

41 (1) who are willing to serve on the board; and

42 (2) whose political party membership status would satisfy the  
43 requirement in subsection (a).

44 (c) If the board of county commissioners is not able to identify  
45 at least two (2) prospective freehold members of the county  
46 property tax assessment board of appeals who are:

- (1) residents of the county;
- (2) certified level two Indiana assessor-appraisers; and
- (3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

SECTION 26. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3.5. (a) Until the system described in subsection (e) is implemented, each county shall maintain a state certified computer system that has the capacity to:

- (1) process and maintain assessment records;
- (2) process and maintain standardized property tax forms;
- (3) process and maintain standardized property assessment notices;
- (4) maintain complete and accurate assessment records for the county; and
- (5) process and compute complete and accurate assessments in accordance with Indiana law.

**In a county that does not have a consolidated city and does not have an elected township assessor in every township,** the county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county. ~~except in a county with an elected township assessor in every township:~~ In a county ~~with that does not have a consolidated city but has~~ an elected township assessor in every township, the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county. **In a county that has a consolidated city, the county assessor shall select a computer system.**

(b) All information on a computer system referred to in subsection (a) shall be readily accessible to:

- (1) township assessors;
- (2) the county assessor;
- (3) the department of local government finance; and
- (4) members of the county property tax assessment board of appeals.

(c) The certified system referred to in subsection (a) used by the counties must be:

- (1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
- (2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency.

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the township assessor and the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county.

(e) The department shall adopt rules before July 1, 2006, for the establishment of:

(1) a uniform and common property tax management system among all counties that:

(A) includes a combined mass appraisal and county auditor system integrated with a county treasurer system; and

(B) replaces the computer system referred to in subsection (a); and

(2) a schedule for implementation of the system referred to in subdivision (1) structured to result in the implementation of the system in all counties with respect to an assessment date:

(A) determined by the department; and

(B) specified in the rule.

(f) The department shall appoint an advisory committee to assist the department in the formulation of the rules referred to in subsection (e). The department shall determine the number of members of the committee. The committee:

(1) must include at least:

(A) one (1) township assessor;

(B) one (1) county assessor;

(C) one (1) county auditor; and

(D) one (1) county treasurer; and

(2) shall meet at times and locations determined by the department.

(g) Each member of the committee appointed under subsection (f) who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the committee appointed under subsection (f) who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) The department shall report to the budget committee in writing the department's estimate of the cost of implementation of the system referred to in subsection (e).

SECTION 27. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005,

1 SECTION 16, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JANUARY 1, 2007]: Sec. 5. After the hearing, the  
 3 Indiana board shall give the petitioner, the township assessor, **if any**,  
 4 the county assessor, the county auditor, the affected taxing units  
 5 required to be notified under section 2(e) of this chapter, and the  
 6 department of local government finance:

7 (1) notice, by mail, of its final determination, findings of fact, and  
 8 conclusions of law; and

9 (2) notice of the procedures the petitioner or the department of  
 10 local government finance must follow in order to obtain court  
 11 review of the final determination of the Indiana board.

12 SECTION 28. IC 6-2.5-8-1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A retail  
 14 merchant may not make a retail transaction in Indiana, unless ~~he the~~  
 15 **retail merchant** has applied for a registered retail merchant's  
 16 certificate.

17 (b) A retail merchant may obtain a registered retail merchant's  
 18 certificate by filing an application with the department and paying a  
 19 registration fee of twenty-five dollars (\$25) for each place of business  
 20 listed on the application. The retail merchant shall also provide such  
 21 security for payment of the tax as the department may require under  
 22 IC 6-2.5-6-12.

23 (c) The retail merchant shall list on the application the location  
 24 (including the township) of each place of business where ~~he the~~  
 25 **merchant** makes retail transactions. However, if the retail merchant  
 26 does not have a fixed place of business, ~~he the merchant~~ shall list ~~his~~  
 27 **the merchant's** residence as ~~his the merchant's~~ place of business. In  
 28 addition, a public utility may list only its principal Indiana office as its  
 29 place of business for sales of public utility commodities or service, but  
 30 the utility must also list on the application the places of business where  
 31 it makes retail transactions other than sales of public utility  
 32 commodities or service.

33 (d) Upon receiving a proper application, the correct fee, and the  
 34 security for payment, if required, the department shall issue to the retail  
 35 merchant a separate registered retail merchant's certificate for each  
 36 place of business listed on the application. Each certificate shall bear a  
 37 serial number and the location of the place of business for which it is  
 38 issued.

39 (e) If a retail merchant intends to make retail transactions during a  
 40 calendar year at a new Indiana place of business, ~~he the retail~~  
 41 **merchant** must file a supplemental application and pay the fee for that  
 42 place of business.

43 (f) A retail merchant engaged in business in Indiana as defined in  
 44 IC 6-2.5-3-1(c) who makes retail transactions that are only subject to  
 45 the use tax must obtain a registered retail merchant's certificate before  
 46 making those transactions. The retail merchant may obtain the  
 47 certificate by following the same procedure as a retail merchant under

subsections (b) and (c), except that the retail merchant must also include on the application:

- (1) the names and addresses of the retail merchant's principal employees, agents, or representatives who engage in Indiana in the solicitation or negotiation of the retail transactions;
- (2) the location of all of the retail merchant's places of business in Indiana, including offices and distribution houses; and
- (3) any other information that the department requests.

(g) The department may permit an out-of-state retail merchant to collect the use tax. However, before the out-of-state retail merchant may collect the tax, ~~he~~ **the retail merchant** must obtain a registered retail merchant's certificate in the manner provided by this section. Upon receiving the certificate, the out-of-state retail merchant becomes subject to the same conditions and duties as an Indiana retail merchant and must then collect the use tax due on all sales of tangible personal property that ~~he~~ **the retail merchant** knows is intended for use in Indiana.

(h) The department shall submit to the township assessor **or, in the case of a township located in a county having a consolidated city, the county assessor** before July 15 of each year:

- (1) the name of each retail merchant that has newly obtained a registered retail merchant's certificate between March 2 of the preceding year and March 1 of the current year for a place of business located in the township **or county, as appropriate**; and
- (2) the address of each place of business of the taxpayer in the township **or county, as appropriate**.

SECTION 29. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

- (1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845

1	Southport	.00025
2	Speedway	.00722
3	Indianapolis/Marion County	.86409
4	(2) Notwithstanding subdivision (1), for the calendar year	
5	beginning January 1, 1995, the distributive shares for each civil	
6	taxing unit in a county containing a consolidated city shall be not	
7	less than the following:	
8	Center Township	\$1,898,145
9	Decatur Township	\$164,103
10	Franklin Township	\$173,934
11	Lawrence Township	\$890,086
12	Perry Township	\$854,544
13	Pike Township	\$1,410,375
14	Warren Township	\$1,027,721
15	Washington Township	\$1,017,890
16	Wayne Township	\$988,397
17	Lawrence-City	\$648,848
18	Beech Grove	\$639,017
19	Southport	\$18,906
20	Speedway	\$546,000
21	(3) For each year after 1995, calculate the total amount of	
22	revenues that are to be distributed as distributive shares during	
23	that month as follows:	
24	STEP ONE: Determine the total amount of revenues that were	
25	distributed as distributive shares during that month in calendar	
26	year 1995.	
27	STEP TWO: Determine the total amount of revenue that the	
28	department has certified as distributive shares for that month	
29	under section 17 of this chapter for the calendar year.	
30	STEP THREE: Subtract the STEP ONE result from the STEP	
31	TWO result.	
32	STEP FOUR: If the STEP THREE result is less than or equal	
33	to zero (0), multiply the STEP TWO result by the ratio	
34	established under subdivision (1).	
35	STEP FIVE: Determine the ratio of:	
36	(A) the maximum permissible property tax levy under	
37	IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil	
38	taxing unit for the calendar year in which the month falls,	
39	plus, for a county, an amount equal to the property taxes	
40	imposed by the county in 1999 for the county's welfare fund	
41	and welfare administration fund; divided by	
42	(B) the sum of the maximum permissible property tax levies	
43	under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all	
44	civil taxing units of the county during the calendar year in	
45	which the month falls, and an amount equal to the property	
46	taxes imposed by the county in 1999 for the county's welfare	
47	fund and welfare administration fund.	

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

**(c) Except with respect to Center Township, for each year after 2006, sixty-six percent (66%) of the revenues to be distributed as distributive shares during each month to the townships listed in this section are to be distributed as additional distributive shares to Indianapolis/Marion County and the township distributive shares are reduced by sixty-six percent (66%).**

**(d) If Lawrence, Beech Grove, Southport, or Speedway consolidates its fire department into the consolidated fire department under IC 36-3-1-6.3, commencing with the calendar year following that consolidation and for each year thereafter, the monthly distributive share of county option income taxes distributed to Lawrence, Beech Grove, Southport, or Speedway, as applicable, shall be reduced by a percentage set forth in the ordinances adopted under IC 36-3-1-6.3, and those revenues shall instead be distributed as additional distributive shares to Indianapolis/Marion County.**

SECTION 30. IC 6-6-5.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18. (a) A



1 taxpayer who owns, holds, possesses, or controls a commercial vehicle  
2 that:

3 (1) is subject to the commercial vehicle excise tax imposed under  
4 this chapter; and

5 (2) would have been subject to assessment as personal property on  
6 March 1, 2000, under the law in effect before January 1, 2000;  
7 shall file an information return on or before May 15, 2000, with the  
8 assessor of each township in which the taxpayer's commercial vehicles  
9 would have been subject to assessment and taxation under IC 6-1.1.

10 (b) The information return ~~shall be~~ **is** filed on a form prescribed by  
11 the department of local government finance and shall require the  
12 taxpayer to provide information regarding the value, nature, and  
13 location of each commercial vehicle which the taxpayer owns, holds,  
14 possesses, or controls on March 1, 2000. If a commercial vehicle is  
15 used or operated in interstate commerce, the value reported on the  
16 information return ~~shall be~~ **is** determined under the procedure set forth  
17 in 50 IAC 4.2-10-3.

18 (c) The information return shall be furnished to the taxpayer by the  
19 appropriate ~~township~~ assessor **for each township** in the same manner  
20 and at the same time as the taxpayer's personal property tax return.

21 (d) In completing an information return under this section, a  
22 taxpayer shall make a complete disclosure of all information, required  
23 by the department of local government finance, that is related to the  
24 value, nature, or location of commercial vehicles that the taxpayer  
25 owns, holds, possesses or controls on March 1, 2000. The taxpayer  
26 shall certify to the truth of all information appearing in the information  
27 return and all data accompanying the information return.

28 (e) The ~~township~~ assessor **for each township** shall examine and  
29 verify the accuracy of each information return filed by a taxpayer. If  
30 appropriate, the assessor **for each township** shall compare an  
31 information return with the books of the taxpayer and with commercial  
32 vehicles owned, held, possessed, or controlled by the taxpayer.

33 SECTION 31. IC 6-6-5.5-19 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) As used  
35 in this section, "assessed value" means an amount equal to the true tax  
36 value of commercial vehicles that:

37 (1) are subject to the commercial vehicle excise tax under this  
38 chapter; and

39 (2) would have been subject to assessment as personal property on  
40 March 1, 2000, under the law in effect before January 1, 2000.

41 (b) For calendar year 2001, a taxing unit's base revenue shall be  
42 determined as provided in subsection (f). For calendar years that begin  
43 after December 31, 2001, a taxing unit's base revenue shall be  
44 determined by multiplying the previous year's base revenue by one  
45 hundred five percent (105%).

46 (c) The amount of commercial vehicle excise tax distributed to the  
47 taxing units of Indiana from the commercial vehicle excise tax fund

shall be determined in the manner provided in this section. On or before June 1, 2000, ~~each township the~~ **assessor of a county for each township** shall deliver to the county assessor a list that states by taxing district the total assessed value as shown on the information returns filed with the assessor on or before May 15, 2000.

(d) On or before July 1, 2000, each county assessor shall certify to the county auditor the assessed value of commercial vehicles in every taxing district.

(e) On or before August 1, 2000, the county auditor shall certify the following to the department of local government finance:

(1) The total assessed value of commercial vehicles in the county.

(2) The total assessed value of commercial vehicles in each taxing district of the county.

(f) The department of local government finance shall determine each taxing unit's base revenue by applying the current tax rate for each taxing district to the certified assessed value from each taxing district. The department of local government finance shall also determine the following:

(1) The total amount of base revenue to be distributed from the commercial vehicle excise tax fund in 2001 to all taxing units in Indiana.

(2) The total amount of base revenue to be distributed from the commercial vehicle excise tax fund in 2001 to all taxing units in each county.

(3) Each county's total distribution percentage. A county's total distribution percentage shall be determined by dividing the total amount of base revenue to be distributed in 2001 to all taxing units in the county by the total base revenue to be distributed statewide.

(4) Each taxing unit's distribution percentage. A taxing unit's distribution percentage shall be determined by dividing each taxing unit's base revenue by the total amount of base revenue to be distributed in 2001 to all taxing units in the county.

(g) The department of local government finance shall certify each taxing unit's base revenue and distribution percentage for calendar year 2001 to the auditor of state on or before September 1, 2000.

(h) The auditor of state shall keep permanent records of each taxing unit's base revenue and distribution percentage for calendar year 2001 for purposes of determining the amount of money each taxing unit in Indiana is entitled to receive in calendar years that begin after December 31, 2001.

SECTION 32. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person

1 may not divulge the amount of tax paid by any taxpayer, terms of a  
 2 settlement agreement executed between a taxpayer and the department,  
 3 investigation records, investigation reports, or any other information  
 4 disclosed by the reports filed under the provisions of the law relating to  
 5 any of the listed taxes, including required information derived from a  
 6 federal return, except to:

- 7 (1) members and employees of the department;
- 8 (2) the governor;
- 9 (3) the attorney general or any other legal representative of the  
 10 state in any action in respect to the amount of tax due under the  
 11 provisions of the law relating to any of the listed taxes; or
- 12 (4) any authorized officers of the United States;

13 when it is agreed that the information is to be confidential and to be  
 14 used solely for official purposes.

15 (b) The information described in subsection (a) may be revealed  
 16 upon the receipt of a certified request of any designated officer of the  
 17 state tax department of any other state, district, territory, or possession  
 18 of the United States when:

- 19 (1) the state, district, territory, or possession permits the exchange  
 20 of like information with the taxing officials of the state; and
- 21 (2) it is agreed that the information is to be confidential and to be  
 22 used solely for tax collection purposes.

23 (c) The information described in subsection (a) relating to a person  
 24 on public welfare or a person who has made application for public  
 25 welfare may be revealed to the director of the division of family and  
 26 children, and to any county director of family and children located in  
 27 Indiana, upon receipt of a written request from either director for the  
 28 information. The information shall be treated as confidential by the  
 29 directors. In addition, the information described in subsection (a)  
 30 relating to a person who has been designated as an absent parent by the  
 31 state Title IV-D agency shall be made available to the state Title IV-D  
 32 agency upon request. The information shall be subject to the  
 33 information safeguarding provisions of the state and federal Title IV-D  
 34 programs.

35 (d) The name, address, Social Security number, and place of  
 36 employment relating to any individual who is delinquent in paying  
 37 educational loans owed to an institution of higher education may be  
 38 revealed to that institution if it provides proof to the department that the  
 39 individual is delinquent in paying for educational loans. This  
 40 information shall be provided free of charge to approved institutions of  
 41 higher learning (as defined by IC 20-12-21-3(2)). The department shall  
 42 establish fees that all other institutions must pay to the department to  
 43 obtain information under this subsection. However, these fees may not  
 44 exceed the department's administrative costs in providing the  
 45 information to the institution.

46 (e) The information described in subsection (a) relating to reports  
 47 submitted under IC 6-6-1.1-502 concerning the number of gallons of

1 gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of  
 2 gallons of special fuel sold by a supplier and the number of gallons of  
 3 special fuel exported by a licensed exporter or imported by a licensed  
 4 transporter may be released by the commissioner upon receipt of a  
 5 written request for the information.

6 (f) The information described in subsection (a) may be revealed  
 7 upon the receipt of a written request from the administrative head of a  
 8 state agency of Indiana when:

9 (1) the state agency shows an official need for the information;  
 10 and

11 (2) the administrative head of the state agency agrees that any  
 12 information released will be kept confidential and will be used  
 13 solely for official purposes.

14 (g) The name and address of retail merchants, including township,  
 15 as specified in IC 6-2.5-8-1(h) may be released solely for tax collection  
 16 purposes to ~~township~~ assessors **for each township**.

17 (h) The department shall notify the appropriate innkeepers' tax  
 18 board, bureau, or commission that a taxpayer is delinquent in remitting  
 19 innkeepers' taxes under IC 6-9.

20 (i) All information relating to the delinquency or evasion of the  
 21 motor vehicle excise tax may be disclosed to the bureau of motor  
 22 vehicles in Indiana and may be disclosed to another state, if the  
 23 information is disclosed for the purpose of the enforcement and  
 24 collection of the taxes imposed by IC 6-6-5.

25 (j) All information relating to the delinquency or evasion of  
 26 commercial vehicle excise taxes payable to the bureau of motor  
 27 vehicles in Indiana may be disclosed to the bureau and may be  
 28 disclosed to another state, if the information is disclosed for the purpose  
 29 of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

30 (k) All information relating to the delinquency or evasion of  
 31 commercial vehicle excise taxes payable under the International  
 32 Registration Plan may be disclosed to another state, if the information  
 33 is disclosed for the purpose of the enforcement and collection of the  
 34 taxes imposed by IC 6-6-5.5.

35 (l) This section does not apply to:

36 (1) the beer excise tax (IC 7.1-4-2);

37 (2) the liquor excise tax (IC 7.1-4-3);

38 (3) the wine excise tax (IC 7.1-4-4);

39 (4) the hard cider excise tax (IC 7.1-4-4.5);

40 (5) the malt excise tax (IC 7.1-4-5);

41 (6) the motor vehicle excise tax (IC 6-6-5);

42 (7) the commercial vehicle excise tax (IC 6-6-5.5); and

43 (8) the fees under IC 13-23.

44 (m) The name and business address of retail merchants within each  
 45 county that sell tobacco products may be released to the division of  
 46 mental health and addiction and the alcohol and tobacco commission  
 47 solely for the purpose of the list prepared under ~~IC 6-2.5-6-14~~.

1 **IC 6-2.5-6-14.2.**

2 SECTION 33. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an  
5 airport authority established for a county having a consolidated city.

6 (b) ~~The legislative body of the consolidated city and the governing~~  
7 ~~body of the airport authority may adopt substantially similar ordinances~~  
8 ~~providing that After December 31, 2006, the fire department of the~~  
9 ~~airport authority is consolidated into the fire department of the~~  
10 ~~consolidated city created by IC 36-3-1-6.1, and that the fire~~  
11 ~~department of the consolidated city shall provide fire protection~~  
12 ~~services for the airport authority. If ordinances are adopted under this~~  
13 ~~section, the consolidation shall take effect on the date agreed to by the~~  
14 ~~legislative body of the consolidated city and the governing body of the~~  
15 ~~airport authority in the ordinances.~~

16 (c) ~~The legislative body of the consolidated city and the governing~~  
17 ~~body of the airport authority may adopt substantially similar ordinances~~  
18 ~~an ordinance under IC 36-3-1-5.1 providing that the law enforcement~~  
19 ~~services of the airport authority are consolidated into the consolidated~~  
20 ~~law enforcement department of the consolidated city created by~~  
21 ~~IC 36-3-1-5.1, and that the law enforcement department of the~~  
22 ~~consolidated city shall provide law enforcement services for the airport~~  
23 ~~authority. If ordinances are adopted under this section, the~~  
24 ~~consolidation shall take effect on the date agreed to by the legislative~~  
25 ~~body of the consolidated city and the governing body of the airport~~  
26 ~~authority in the ordinances.~~

27 SECTION 34. IC 9-22-5-1 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. The following  
29 officers may act for their respective units of government under this  
30 chapter:

- 31 (1) The sheriff, for a county.
- 32 (2) The chief of police, for a city.
- 33 (3) A town marshal, for a town.
- 34 (4) A township trustee, for a township **in a county not having a**  
35 **consolidated city.**
- 36 (5) A state police officer, for the state.

37 SECTION 35. IC 10-18-5-1 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. A township  
39 trustee **for a township in a county not having a consolidated city**  
40 may receive as public property a monument or memorial built:

- 41 (1) in the township;
- 42 (2) in honor of the township's soldiers or marines; and
- 43 (3) by the people with public donations;

44 if the people of the township want to give the monument or memorial  
45 to the township.

46 SECTION 36. IC 12-7-2-192.6 IS ADDED TO THE INDIANA  
47 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2009]: **Sec. 192.6. "Township", for purposes of IC 12-20 and IC 12-30-4, means a:**

- (1) civil township; or**
- (2) township district (as defined in IC 36-6-4.1-5) for a county having a consolidated city.**

SECTION 37. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13.5. (a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

- (1) The Indiana Historical Society established under IC 23-6-3.
- (2) A historical society (as defined in IC 36-10-13-3).
- (3) The Historic Landmarks Foundation of Indiana.
- (4) A professional archeologist or historian associated with a college or university.
- (5) A township trustee **in a county not having a consolidated city.**
- (6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant received under this subsection:

- (1) to carry out subsection (a); and
- (2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of 16 U.S.C. 470(w) and 16 U.S.C. 470(h)(h).

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 38. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2008]: **Sec. 0.5. (a) This section applies to a township in a county having a consolidated city.**

**(b) After December 31, 2007, the duties of a township trustee under this chapter are transferred to the consolidated city.**

SECTION 39. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) As used in this chapter, "detrimental plant" includes Canada thistle (*cirsium arvense*), Johnson grass, sorghum alumun (*sorghum halrphense*), bur cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

(b) As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state or a political subdivision, or a group of those persons acting in concert.

**(c) As used in this chapter, "fund" means:**

**(1) the township fund for a township in a county not having a consolidated city; or**

**(2) the appropriate fund of the consolidated city for a county having a consolidated city.**

**(d) As used in this chapter, "township trustee" or "trustee" means:**

**(1) a township trustee for a township in a county not having a consolidated city; or**

**(2) the consolidated city for a township in a county having a consolidated city.**

~~(c)~~ **(e)** A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 40. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) A township trustee who has reason to believe that detrimental plants may be on real estate may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.

(b) Except as provided in subsection (c), if the township trustee determines after investigating the property or by visual inspection without entering the property that a person has detrimental plants growing on real estate in ~~the~~ **a township that comprises all or a part of the township trustee's jurisdiction** that have not been destroyed as described in section 1 of this chapter, the ~~trustee of the township in which the real estate is located~~ **township trustee** shall notify, in writing, the owner or person in possession of the real estate to destroy the detrimental plants in a manner provided in section 1 of this chapter

within five (5) days after the notice is given. If the detrimental plants are not destroyed as provided in section 1 of this chapter within five (5) days after notice is given, the trustee shall cause the detrimental plants to be destroyed in a manner seeming most practical to the trustee within three (3) additional days. The trustee may hire a person to destroy the detrimental plants. The trustee or the person employed to destroy the detrimental plants may enter upon the real estate where the detrimental plants are growing to destroy the detrimental plants, and are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out such work, except for gross negligence or willful or wanton destruction.

(c) If the county has established a county weed control board under IC 15-3-4.6 the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

(d) Notice required in subsection (a) or (b) may be given:

(1) by mail, using certified mail; or

(2) by personal service.

(e) Notice under subsection (d) is considered received by the owner or person in possession of the real estate:

(1) if sent by mail, on the earlier of:

(A) the date of signature of receipt of the mailing; or

(B) three (3) business days after the date of mailing; or

(2) if served personally, on the date of delivery.

SECTION 41. IC 15-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) The township trustee may pay for the chemicals, work, and labor performed in cutting or destroying detrimental plants under this chapter at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) In all cases in which the infestation of the land with detrimental plants is so great and widespread as in the opinion of the trustee to render such cutting or eradication by hand methods impractical, the trustee shall engage the necessary power machinery or equipment and may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work ~~in the office of~~ **with** the trustee ~~of the township~~, and when the bill has been approved the trustee shall pay the bill out of the ~~township~~ fund. The trustee of the township shall certify the cost or expense of the work, and the cost of the chemicals, adding to such bill twenty dollars (\$20) per day for each day that the trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services, with a



1 description of the real estate on which the labor was performed.

2 (d) The certified statement of costs prepared under subsection (c)  
3 shall be mailed using certificate of mailing to, or personally served on,  
4 the owner or person possessing the real estate. The certified statement  
5 shall be mailed to the auditor of state for any real estate owned by the  
6 state or to the fiscal officer of another municipality (as defined in  
7 IC 5-11-1-16) for real estate owned by the municipality. The statement  
8 shall request that the person pay the cost of performing the service  
9 under subsection (c) to the township trustee.

10 (e) If the owner or person in possession of the property does not pay  
11 the amount set forth in the statement within ten (10) days after  
12 receiving the notice under subsection (d), the township trustee shall file  
13 a copy of the certified statement in the office of the county auditor of  
14 the county where the real estate is located **or, if the township is in a**  
15 **county having a consolidated city, the office of the controller.**

16 (f) The auditor **or the city controller** shall place the amount claimed  
17 in the certified statement on the tax duplicate of the real estate. Except  
18 as provided in subsections (j) through (l), the amount claimed shall be  
19 collected as taxes are collected.

20 (g) After an amount described in subsection (f) is collected, the  
21 funds shall be deposited in the ~~trustee's township funds~~ **fund** for use at  
22 the discretion of the trustee.

23 (h) If there is no money available in ~~a the township~~ fund for that  
24 purpose, ~~the township board~~, upon finding an emergency exists:

25 **(1) the township legislative body** shall act under IC 36-6-6-14(b)  
26 or IC 36-6-6-15; **or**

27 **(2) a consolidated city shall act under IC 36-3-4;**

28 to borrow a sum of money sufficient to meet the emergency.

29 (i) The trustee, when submitting estimates to the ~~township board~~  
30 **legislative body** for action, shall include in the estimates an item  
31 sufficient to cover those expenditures.

32 (j) This subsection applies to real estate owned by the state. The  
33 auditor of state shall issue a warrant to pay the amount set forth in the  
34 certified statement of costs for real estate owned by the state and shall  
35 charge the appropriate fund for the amount.

36 (k) This subsection applies to real estate owned by a municipality  
37 (as defined in IC 5-11-1-16) other than the township **or a consolidated**  
38 **city**. The fiscal officer of the municipality shall make the necessary  
39 appropriation from the appropriate fund to pay the township the amount  
40 set forth in the certified statement of costs for real estate owned by the  
41 municipality.

42 (l) This subsection applies to real estate that is exempt from property  
43 taxation. The owner of the tax exempt real estate shall pay the amount  
44 set forth in the certified statement of costs for the tax exempt real estate.  
45 If the owner of the tax exempt real estate fails to pay the amount  
46 required by this chapter, the owner is ineligible for the property tax  
47 exemption and the department of local government finance shall deny

the property tax exemption for the real estate.

SECTION 42. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor **or, if a township is in a county having a consolidated city, the controller,** upon receiving and filing such trustee's certificate as prescribed in this chapter, shall immediately place said amounts on the tax duplicate of the county and such amounts shall be due at the next tax paying time, and shall be collected for the proper township, ~~or townships, or consolidated city,~~ the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and when so collected shall be paid to the proper trustee and placed in the ~~township~~ fund.

SECTION 43. IC 15-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) A person who:

- (1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;
- (2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate them by chemicals each year, as prescribed in this chapter;
- (3) having charge of or control over any highway, knowingly allows detrimental plants to grow or mature on the right-of-way of the highway, or, knowing of the existence of the detrimental plants fails to cut them down or eradicate them by chemicals, as prescribed in this chapter;
- (4) having charge of or control over the right-of-way of a railroad or interurban company, knowingly allows detrimental plants to grow and mature thereon, or knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter; or
- (5) knowingly sells Canada thistle (*cirsium arvense*) seed;

commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be paid to the trustee and placed in the ~~trustee's township funds fund~~ fund for use at the discretion of the trustee **or the consolidated city.**

SECTION 44. IC 15-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. When the annual budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustee** to comply with this chapter.

SECTION 45. IC 15-3-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) The Purdue University cooperative extension service shall provide technical assistance to township trustees for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or a consolidated city** shall assist the township trustee in carrying out

the duties imposed on the trustee under this chapter.

SECTION 46. IC 15-3-4.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) **member appointed as follows:**

(A) **In a county not having a consolidated city, a township trustee of a township in the county.**

(B) **In a county having a consolidated city, the director of the department of the consolidated city that is responsible for the destruction of detrimental plants described in this chapter or the director's designee.**

(2) One (1) soil and water conservation district supervisor.

(3) A representative from the agricultural community of the county.

(4) A representative from the county highway department or an appointee of the county commissioners. ~~and~~

(5) A cooperative extension service agent from the county to serve in non-voting advisory capacity.

Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments. The board shall elect a chairman, and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and report their findings to the board and the executive director, if any.

SECTION 47. IC 15-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. The Indiana department of transportation, railroads, drainage districts, township boards, **except township boards of townships in a county having a consolidated city**, public utilities, and other public and quasi-public corporations shall, between July 1 and September 15, do anything possible to restrict the growth and seed production of all Johnson grass growing on lands for which they are responsible in a municipality or township of this state.

SECTION 48. IC 15-5-9-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "assessor" means:**

(1) **for a township located in a county not having a**

consolidated city:

(A) the township assessor elected under IC 36-6-5-1; or

(B) the township trustee who is required by law to act as the assessor for the township the trustee serves; or

(2) for a township located in a county having a consolidated city, the controller of the consolidated city or the controller's designee.

SECTION 49. IC 15-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The township assessor shall make a diligent census as to the number of dogs owned, harbored, or kept by any person. A person owning or harboring a dog shall pay immediately to the township assessor a tax for each dog owned, harbored, or kept on the same premises, whether owned by that person or some other person, as follows:

(1) Except as provided in subsection (d), for each neutered dog, two dollars (\$2).

(2) For each nonneutered dog, four dollars (\$4).

(3) For each additional dog, six dollars (\$6).

No dog under six (6) months of age is subject to any tax under this chapter. Whoever becomes the owner or harbored of a dog after the dog census by the township assessor or any owner or harbored of a dog for which for any reason the assessor failed to collect the tax, shall, within thirty (30) days after becoming the owner or harbored of a dog, apply to the assessor, or the assessor's designee, pay the required fee, and procure a tag for the dog.

(b) Dogs kept in kennels for breeding, boarding, or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay a kennel license fee according to the following schedule:

(1) For a major kennel, consisting of fifteen (15) or more dogs, a fee of thirty dollars (\$30).

(2) For a minor kennel, consisting of less than fifteen (15) dogs, a fee of twenty dollars (\$20).

For each individual dog tag or kennel license issued under this chapter, the township assessor (~~or trustee who collects the fee~~) shall retain from the fee described in this section, an administrative fee of fifty cents (\$0.50). Administrative fees collected by ~~the~~ an assessor **other than a township trustee** shall be deposited in the county general fund, and administrative fees collected by ~~the~~ a township trustee shall be deposited in the township general fund.

(c) Upon the payment of the license fee required by subsection (b), the township assessor shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming the owner

1 of a dog kennel shall, within thirty (30) days after becoming the owner,  
 2 apply to the ~~township~~ assessor, township trustee, or assessor's designee  
 3 and, upon payment of the required fee, procure a license and a metallic  
 4 tag for all dogs kept in the kennel.

5 (d) A county council may increase the tax on neutered dogs imposed  
 6 under subsection (a) from two dollars (\$2) to three dollars (\$3).

7 (e) ~~A township~~ **An** assessor ~~(or a township trustee who has the~~  
 8 ~~duties of a township assessor)~~ may designate one (1) or more licensed  
 9 veterinarians or humane societies in the assessor's township **or county,**  
 10 **as the case may be,** to collect the dog taxes and kennel license fees and  
 11 issue the licenses under this chapter. A designee may retain  
 12 seventy-five cents (\$0.75) as a fee for that service and remit the balance  
 13 of the money collected to the ~~township trustee assessor who~~  
 14 **designated the designee** by the tenth day of each month. As used in  
 15 this subsection, "humane society" includes an animal shelter, animal  
 16 control center, or other animal impounding facility that has as its  
 17 purpose the humane treatment of animals.

18 SECTION 50. IC 15-5-9-2 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The  
 20 ~~township~~ assessor shall give to each person a receipt for the money paid  
 21 the assessor, which shall be designated for dog tax. The receipt shall  
 22 show the person's name who owns, harbors, or keeps the dog, the  
 23 amount paid, and the number, description, and kind of dogs paid for,  
 24 whether male or female, and the number of each. The receipt relieves  
 25 the person owning, keeping, or harboring dogs for the current year,  
 26 extending one (1) year from its date. The assessor shall keep a record  
 27 of persons owning dogs subject to taxation and a record of the dogs  
 28 paid for. The assessor shall keep a stub record or copy of the receipts  
 29 given for money paid as dog tax. The stub record shall show the  
 30 amount paid, the number of dogs, both male and female, paid for, and  
 31 the person's name owning the dogs paid for. At the time when the  
 32 receipt is issued to the person, the assessor shall give to the person a  
 33 tag, which shall be attached to the collar worn by the dog.

34 (b) Before July 1 each year, the ~~township~~ assessor, **except an**  
 35 **assessor in a county having a consolidated city,** shall turn over to the  
 36 township trustee all the records kept by the assessor relating to the  
 37 collecting and payment of dog taxes and kennel license fees, and a copy  
 38 of all receipts given by the assessor to persons having paid dog taxes  
 39 and kennel license fees, and all money received by the assessor as dog  
 40 taxes, and all tags left in the assessor's possession. The assessor shall  
 41 assess against each person who failed to pay to the assessor the amount  
 42 of any license fee owed by the person, and the amount of the license  
 43 fees shall be placed upon the tax duplicate by the county auditor and  
 44 collected as taxes are collected.

45 (c) From July 1 each year until March 1 of the next year, the  
 46 ~~township trustee assessor~~ shall receive any license fees subject to be  
 47 paid under this chapter and issue any licenses under this chapter that

1 may be received or issued by the ~~township~~ assessor under this chapter.

2 SECTION 51. IC 15-5-9-3 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section**  
 4 **does not apply to a township in a county having a consolidated city**  
 5 **or to a consolidated city.** The ~~township~~ assessor shall, before July 1  
 6 each year, report the amount collected as dog tax and kennel license  
 7 fees to the county auditor. The dog taxes and kennel license fees  
 8 collected by ~~the a township~~ assessor shall be turned over by the  
 9 **township** assessor to the township trustee of the **township** assessor's  
 10 township. The county auditor shall make a record of the same, and  
 11 charge the amount stated in the report against the township trustee as  
 12 receipts from the county dog fund.

13 SECTION 52. IC 15-5-9-4 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Each  
 15 ~~township~~ assessor shall perform the duties imposed by this chapter. If  
 16 a dog owner has failed to turn in a dog for taxation purposes, the  
 17 assessor shall notify the owner that the assessor is listing the unpaid  
 18 taxes within a period of ten (10) days, at which time the person will be  
 19 assessed double the amount of taxes provided by this chapter unless the  
 20 person owning the dog appears voluntarily within the ten (10) days and:

- 21 (1) proves to the satisfaction of the assessor that the person owned  
 22 no such dog at the time the census was made; or  
 23 (2) makes an affidavit to be kept on file by the assessor to the  
 24 effect that the failure to report a dog for taxation was not  
 25 intentional and was not purposely omitted for the purpose of  
 26 avoiding payment of taxes.

27 (b) Each assessor shall keep a complete list of all dogs subject to the  
 28 tax under this chapter together with the names of their owners on record  
 29 in the assessor's office at all times and available to the public. If any  
 30 person shall acquire, own, harbor, or keep any dog after the assessor  
 31 has completed the census, the person shall report the dog to and pay to  
 32 the assessor the amount of dog tax as provided in this chapter and  
 33 receive a receipt and tag for the payment. The receipt and tag exempts  
 34 the person from further payment of dog tax on dogs described in the  
 35 receipt for one (1) year from the date of the receipt.

36 SECTION 53. IC 15-5-9-5 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. ~~A township An~~  
 38 assessor **or** assessor's designee **or township trustee** who:

- 39 (1) fails to perform the duties imposed by this chapter; or  
 40 (2) fails to make a complete report within the time specified in this  
 41 chapter;  
 42 commits a Class C infraction.

43 SECTION 54. IC 15-5-9-6 IS AMENDED TO READ AS  
 44 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Every person  
 45 liable to taxation in any township and residing in the township when  
 46 listed for taxation shall make and subscribe to an oath to the ~~township~~  
 47 assessor in which the person states the number of dogs neutered or

1 unneutered over the age of six (6) months and owned or harbored by  
2 the person.

3 SECTION 55. IC 15-5-9-8 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money  
5 derived by the taxing of dogs under this chapter shall constitute a fund  
6 known as the township dog fund **or, in the case of a township located**  
7 **in a county having a consolidated city, the county dog fund** that the  
8 township trustee **or, in the case of a township located in a county**  
9 **having a consolidated city, the controller of the consolidated city,**  
10 shall use in the manner provided in this chapter for the payment of the  
11 following:

12 (1) Damages, less insurance proceeds, sustained by owners of the  
13 following stock, fowl, or game killed, maimed, or damaged by  
14 dogs:

15 (A) Sheep.

16 (B) Cattle.

17 (C) Horses.

18 (D) Swine.

19 (E) Goats.

20 (F) Mules.

21 (G) Chickens.

22 (H) Geese.

23 (I) Turkeys.

24 (J) Ducks.

25 (K) Guineas.

26 (L) Tame rabbits.

27 (M) Game birds and game animals held in captivity under  
28 authority of a game breeder's license issued by the department  
29 of natural resources.

30 (N) Bison.

31 (O) Farm raised cervidae.

32 (P) Ratitae.

33 (2) The expense of taking the Pasteur treatment for hydrophobia  
34 incurred by any person bitten by or exposed to a dog known to  
35 have hydrophobia. ~~within any township of Indiana.~~

36 (b) Any person requiring the treatment described in subsection (a)(2)  
37 may select the person's own physician.

38 (c) No damages shall be assessed or paid under this chapter on sheep  
39 except where individual damage exists or is shown.

40 (d) This subsection applies to a county whose legislative body has  
41 acted under this subsection. A county legislative body may designate  
42 by ordinance one (1) humane society located in that county to receive  
43 fifty cents (\$0.50) from each dog tax payment collected under this  
44 chapter.

45 (e) A humane society designated under subsection (d) shall use the  
46 funds disbursed to the society to maintain an animal shelter.

47 (f) If a county does not designate a humane society to receive

1 payments under subsection (d), those amounts remain in the township  
 2 dog fund **or, in the case of a county having a consolidated city, the**  
 3 **county dog fund.**

4 SECTION 56. IC 15-5-9-9.1 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) ~~In order~~  
 6 To qualify for payment for damages by a township trustee **or, in the**  
 7 **case of a township located in a county having a consolidated city,**  
 8 **the controller of the consolidated city** under this chapter, the owner  
 9 of stock, fowl, or game listed in section 8(a)(1) of this chapter killed,  
 10 maimed, or damaged by dogs shall do the following:

11 (1) Not more than seventy-two (72) hours after the time of the  
 12 loss, notify one (1) of the following having jurisdiction in the  
 13 location where the loss occurred:

14 (A) A law enforcement officer.

15 (B) An officer of a county or municipal animal control center,  
 16 shelter, or similar impounding facility.

17 (2) Within twenty (20) days from the time of the loss, report the  
 18 loss to the trustee ~~of his township~~ **of the owner's township or, in**  
 19 **a township located in a county having a consolidated city, to**  
 20 **the controller of the consolidated city** as follows:

21 (A) Under oath, the owner shall state:

22 (i) the number, age, and value of the stock, fowl, or game;  
 23 and

24 (ii) the damages, less any insurance proceeds, sustained.

25 (B) In an affidavit, the owner must be joined by two (2)  
 26 disinterested and reputable freeholders residing in the township  
 27 in which the stock, fowl, or game were killed, maimed, or  
 28 damaged. The affidavit must state that the freeholders are:

29 (i) disinterested; and

30 (ii) not related by blood or marriage to the claimant.

31 (C) No appraisal may exceed the actual cash value of the  
 32 stock, fowl, or game. As it applies to ratitae, cash value is no  
 33 more than the slaughter value.

34 (D) The owner shall provide verification of the loss by an  
 35 officer under subdivision (1).

36 (E) No loss shall be paid for property owned by a claimant on  
 37 the last property tax assessment date if the property was not  
 38 reported by the owner for assessment purposes at that time.

39 (b) An officer who receives notice under subsection (a)(1) shall visit  
 40 the scene of the loss, verify the loss in writing, and mark the animal so  
 41 that the animal can support only one (1) claim under this chapter.

42 SECTION 57. IC 15-5-9-10 IS AMENDED TO READ AS  
 43 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The  
 44 ~~trustees township trustee~~ **or the controller of the consolidated city**  
 45 shall register and pay damages for all losses in the order in which the  
 46 losses are reported.

47 (b) A person may not receive payment from the trustee **or the**



1 **controller of the consolidated city** for stock, fowl, or game listed in  
2 section 8(a)(1) of this chapter:

- 3 (1) that are killed, maimed, or damaged by any dog or dogs owned
- 4 or harbored by that person;
- 5 (2) for which the person received from another person an amount
- 6 equal to the actual damages; or
- 7 (3) for which the owner has not complied with section 9.1 of this
- 8 chapter.

9 (c) When rabies shall develop in any stock, fowl, or game listed in  
10 section 8(a)(1) of this chapter, however contracted, and when the  
11 existence of such disease shall be proven by:

- 12 (1) laboratory diagnosis, made in the laboratory of the state
- 13 department of health, or some other laboratory maintained by
- 14 state, county, or municipal funds; or
- 15 (2) affidavit of an attending legally qualified graduate
- 16 veterinarian;

17 the owner of such animal with rabies shall be entitled to recover in the  
18 same amount and manner as provided in sections 8 and 9.1 of this  
19 chapter.

20 (d) Whenever any dog not accompanied by the dog's owner or  
21 owner's agent is suspected of having rabies and found roaming at large,  
22 and the dog dies or is destroyed on said account, the **township** trustee  
23 **or controller of the consolidated city** shall do the following:

- 24 (1) Remove or have removed the head of the dog.
- 25 (2) Pay from the township dog fund **or, in the case of a township**
- 26 **located in a county having a consolidated city, the county dog**
- 27 **fund,** the following:
- 28 (A) A reasonable fee for the removal of the dog's head.
- 29 (B) All charges for transporting the head to a laboratory
- 30 maintained by state, county, or municipal funds. If no money
- 31 is available in the **appropriate** dog fund, ~~of the township~~; then
- 32 such necessary fees shall be paid out of the township **general**
- 33 **fund or, in the case of a township located in a county having**
- 34 **a consolidated city, the county general fund,** without
- 35 appropriations having been made.

36 (e) On the first Monday of March of each year, the township shall  
37 transfer the following to the county treasurer:

- 38 (1) Any funds in a township dog fund designated for a humane
- 39 society under section 8 of this chapter.
- 40 (2) Any amount in a township dog fund exceeding three hundred
- 41 dollars (\$300) over and above orders drawn on the fund.

42 (f) The funds transferred to the county treasurer under subsection (e)  
43 shall be deposited in the county dog fund. On the second Monday in  
44 March of each year, the money in the county dog fund shall be  
45 distributed as follows:

- 46 (1) **Except for a township located in a county having a**
- 47 **consolidated city,** among the townships of the county in which

1 the orders drawn against the dog fund exceed the money on hand.

2 (2) To a humane society designated under section 8 of this  
3 chapter.

4 (g) If the funds in the county dog fund, after any distribution to a  
5 designated humane society, are insufficient to pay for all stock, fowl,  
6 or game listed in section 8(a)(1) of this chapter that are killed, maimed,  
7 or damaged by dogs ~~of all the townships~~ in the county, the distribution  
8 shall be made, **except in a township located in a county having a**  
9 **consolidated city**, in the ratio of the orders drawn against the dog fund  
10 of the townships and unpaid and unprovided for. The ratio shall be  
11 obtained from the report of the trustees of the townships made to the  
12 auditor of the county.

13 (h) The report under subsection (g) shall be made by each township  
14 trustee of the county upon the first Monday of March of each year and  
15 must show the following:

16 (1) All receipts into the dog fund of the township.

17 (2) All orders drawn against the township fund in the order in  
18 which the orders were drawn.

19 (i) If the funds in the dog fund of any township and the share of the  
20 county dog fund distributed to such township during any year **or, in the**  
21 **case of a township located in a county having a consolidated city,**  
22 **the county dog fund**, are insufficient to pay for all stock, fowl, and  
23 game listed in section 8(a)(1) of this chapter that are killed, maimed, or  
24 damaged by dogs in such township **or county, as the case may be,**  
25 during such year, any such losses registered and any orders drawn  
26 which are unpaid and unprovided for shall be paid out of the state dog  
27 account.

28 (j) If upon the first Monday in May of any year there is a surplus left  
29 of the county dog fund after provisions have been made for the payment  
30 of all stock, fowl, and game listed in section 8(a)(1) of this chapter that  
31 are killed, maimed, or damaged by dogs of all the townships of the  
32 county and the distribution to any designated humane society, the  
33 surplus shall be:

34 (1) paid to the auditor of state; and

35 (2) placed in a separate account of the general fund of the state  
36 treasury known as the state dog account.

37 SECTION 58. IC 15-5-9-11 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before  
39 the first day of May of each year, the trustee of each township shall  
40 make a report in writing, to the county auditor, of the amount of all  
41 claims in ~~his the trustee's~~ township for livestock, fowls, or game which  
42 have been destroyed or damaged by dogs, and which claims have been  
43 filed before March 9, 1937, or which may be filed thereafter but have  
44 not been paid for lack of funds. On or before the second Monday in  
45 May of each year, the auditor of each county, **or in a county having a**  
46 **consolidated city, the controller of the consolidated city**, shall make  
47 a report, in writing, to the auditor of state, in such form as the auditor

of state shall prescribe, of the amount of all such claims in ~~his~~ **the** county which have been filed and which have not been paid for lack of funds, and on or before the second Monday in July, the auditor of state shall issue ~~his~~ **the auditor's** warrant, payable to the auditor of each such county **or, in a county having a consolidated city, the controller of the consolidated city**, for the amount of the unpaid claims. The warrant shall be drawn on the state dog account. Upon the receipt of the money, the auditor of the county **or, in a county having a consolidated city, the controller of the consolidated city**, shall distribute the funds to the respective townships of ~~his~~ **the** county entitled thereto **or, in the case of a county having a consolidated city, to the appropriate fund of the consolidated city**, and the trustee of the township **or controller of a consolidated city** shall pay all unpaid claims of ~~his~~ **the** township **or county** in the order in which the claims were filed. If in any year there is not sufficient money in the state dog account to pay all of the claims, the auditor of state shall make such distribution, as near as practicable, in proportion to the aggregate value of livestock, fowls, or game for the destruction of which or the damage to which claims have been filed in the respective counties, and the county auditor, **except in a county having a consolidated city**, shall distribute the money so received to the several townships in the same proportion. All money in excess of fifty thousand dollars (\$50,000) remaining in the state dog account, after such annual distribution shall have been made as hereinbefore provided, shall be distributed by the auditor of state in the manner following:

~~(a)~~ **(1)** One-half (1/2) of such excess or one hundred thousand dollars (\$100,000) of such excess, whichever sum is the lesser, shall be distributed to Purdue University for the School of Veterinary Science and Medicine to be used solely for canine disease research.

~~(b)~~ **(2)** The balance remaining of such excess, after the distribution to Purdue University is made as hereinbefore provided, shall be distributed to the general fund of each county in direct proportion to the total amount of money paid into the dog account on the second Monday in May by the county prior to the distribution.

Of the funds returned to the respective counties the county may, with the approval of the county commissioners and the county council, construct dog pounds within said counties.

SECTION 59. IC 15-5-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) At the time when the dog kennel license fee is paid to the ~~township~~ assessor, the assessor, at the time when the assessor issues a receipt, shall likewise furnish to the person a metal tag. The metal tag furnished shall be attached securely to the collar of the dog for which the license fee has been paid and the collar, with the tag attached, shall be worn continuously by the dog.

(b) All license tags shall be of uniform design or color for any one

(1) year, but the same color or shape shall not be used for any two (2) consecutive years. All tags shall be designed by the auditor of state, shall be paid for out of the state dog account, and shall be manufactured at the state prison in the same manner as motor vehicle registration plates. Each tag shall have a distinct number and the number of the tag shall appear on the receipt issued to the owner of the dog.

(c) If any dog tag is lost, it shall be replaced without cost by the assessor upon application by the owner of the dog and upon the production of the receipt and a sworn statement of the facts regarding the loss of the tag. No license tag is transferable to another dog.

SECTION 60. IC 23-14-33-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 7.5. "Cemetery fund" means the:**

**(1) township fund for a township in a county not having a consolidated city; or**

**(2) cemetery fund of the consolidated city for a township in a county having a consolidated city.**

SECTION 61. IC 23-14-33-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 32.5. "Township" means:**

**(1) a township in a county not having a consolidated city; or**

**(2) the consolidated city for a township in a county having a consolidated city.**

SECTION 62. IC 23-14-33-32.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 32.6. "Township trustee" or "trustee" means:**

**(1) a township trustee for a township in a county not having a consolidated city; or**

**(2) the consolidated city for a township in a county having a consolidated city.**

SECTION 63. IC 23-14-64-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. All expenses incurred by the trustee in administering this chapter shall be paid out of the ~~township cemetery~~ fund of the township.

SECTION 64. IC 23-14-68-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) The township shall appropriate enough money to provide for the care, repair, and maintenance of each cemetery described in section 1(a) of this chapter that is located within the township. Funds shall be appropriated under this subsection in the same manner as other ~~township~~ appropriations.

(b) The township may levy a ~~township~~ cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the township fund **or other funds of the township** may be used.

1 SECTION 65. IC 23-14-69-5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) If:

3 (1) no land suitable for a public cemetery is donated to a  
 4 township; and

5 (2) if the township legislative body adopts a resolution approving  
 6 the purchase;

7 the township ~~executive~~ may purchase land for the purpose of  
 8 establishing a public cemetery.

9 (b) When land is purchased and conveyed to the township under  
 10 subsection (a), the land must be set apart, kept in repair, and used as  
 11 provided in section 6 of this chapter.

12 SECTION 66. IC 23-14-69-9 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. All expenses  
 14 incurred by the township trustee for administering this chapter shall be  
 15 paid out of the ~~township cemetery~~ fund of the township.

16 SECTION 67. IC 32-21-2-13 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the  
 18 auditor of the county or the ~~township~~ assessor **for a township** under  
 19 IC 6-1.1-5-9 and IC 6-1.1-5-9.1 determines it necessary, an instrument  
 20 transferring fee simple title to less than the whole of a tract that will  
 21 result in the division of the tract into at least two (2) parcels for  
 22 property tax purposes may not be recorded unless the auditor or  
 23 township assessor is furnished a drawing or other reliable evidence of  
 24 the following:

25 (1) The number of acres in each new tax parcel being created.

26 (2) The existence or absence of improvements on each new tax  
 27 parcel being created.

28 (3) The location within the original tract of each new tax parcel  
 29 being created.

30 (b) Any instrument that is accepted for recording and placed of  
 31 record that bears the endorsement required by IC 36-2-11-14 is  
 32 presumed to comply with this section.

33 SECTION 68. IC 32-26-4-2 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) The trustee  
 35 of each township, the county highway superintendent, the Indiana  
 36 department of transportation, or other officer in control of the  
 37 maintenance of a highway shall between January 1 and April 1 of each  
 38 year, examine all hedges, live fences, natural growths along highways,  
 39 and other obstructions described in section 1 of this chapter in their  
 40 respective jurisdictions. **However, in a county having a consolidated**  
 41 **city, the duties and obligations of a township trustee under this**  
 42 **chapter are the responsibility of the consolidated city.** If there are  
 43 hedges, live fences, other growths, or obstructions along the highways  
 44 that have not been cut, trimmed down, and maintained in accordance  
 45 with this chapter, the owner shall be given written notice to cut or trim  
 46 the hedge or live fence and to burn the brush trimmed from the hedge  
 47 or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, **county, or state**. If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation shall immediately:

(1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and

(2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 69. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.6. As used in this chapter, "township" means:**

(1) **a township in a county not having a consolidated city; or**

(2) **the consolidated city for a township in a county having a consolidated city.**

SECTION 70. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:**

(1) **a township trustee for a township in a county not having a consolidated city; or**

**(2) the consolidated city for a township in a county having a consolidated city.**

SECTION 71. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township in which the property of the complaining property owner is located of the default under subsection (b), and the trustee has jurisdiction in the matter.

(d) The township trustee who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee ~~of a township~~ is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

- (1) A straight board and wire fence, a straight wire fence, a

1 straight board fence, or a picket fence four (4) feet high.

2 (2) A straight rail fence four and one-half (4 1/2) feet high.

3 (3) A worm rail fence five (5) feet high.

4 (g) This subsection applies if a ditch or creek crosses the division  
5 line between two (2) property owners, causing additional expense in the  
6 maintenance of the part over the stream. If the property owners cannot  
7 agree upon the proportionate share of each property owner, the  
8 township trustee shall appoint three (3) disinterested citizens who shall  
9 apportion the partition fence to be built by each property owner.

10 (h) If a township trustee is:

11 (1) related to any of the interested property owners; or

12 (2) an interested property owner;

13 ~~the trustee of any other township who resides nearest to where the fence~~  
14 ~~is located shall~~ **township shall appoint another official to** act under  
15 this chapter.

16 (i) This subsection applies if a ditch or creek forms, covers, or marks  
17 the dividing line or a part of the dividing line between the properties of  
18 separate and different property owners so that partition fences required  
19 under this chapter cannot be built and maintained on the dividing line.  
20 The partition fences shall be built and maintained under this chapter as  
21 near to the boundary line as is practical, and each property owner shall  
22 build a separate partition fence on the property owner's property and  
23 maintain the fence at the property owner's cost.

24 (j) This subsection applies where a partition fence required under  
25 this chapter crosses a ditch or creek and it is impracticable to construct  
26 or maintain that portion of the fence that crosses the ditch or creek as  
27 a stationary fence. Instead of the portion of the fence that would cross  
28 the ditch or creek, there shall be constructed, as a part of the partition  
29 fence, floodgates or other similar structures that are sufficiently high,  
30 tight, and strong to turn hogs, sheep, cattle, mules, and horses or other  
31 domestic animals. The floodgates or other similar structures shall be  
32 constructed to swing up in times of high water and to connect  
33 continuously with the partition fences.

34 (k) This subsection applies if the building and maintenance of the  
35 floodgates or other similar structure required under subsection (j)  
36 causes additional expenses and the property owners cannot agree upon  
37 the character of floodgates or other similar structure, or upon the  
38 proportionate share of the cost to be borne by each property owner. The  
39 township trustee, upon notice in writing from either property owner of  
40 a disagreement and the nature of the disagreement, shall appoint three  
41 (3) disinterested citizens of the township who shall determine the kind  
42 of structure and apportion the cost of the floodgate or other structure  
43 between the property owners, taking into consideration the parts of the  
44 fence being maintained by each property owner.

45 (l) The determination of a majority of the arbitrators of any matter  
46 or matters submitted to them under this section is final and binding on  
47 each property owner. The compensation of the arbitrators is two dollars



(S2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 72. IC 32-28-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A contractor, a subcontractor, a mechanic, a lessor leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor, a journeyman, a laborer, or any other person performing labor or furnishing materials or machinery, including the leasing of equipment or tools, for:

(1) the erection, alteration, repair, or removal of:

(A) a house, mill, manufactory, or other building; or

(B) a bridge, reservoir, system of waterworks, or other structure;

(2) the construction, alteration, repair, or removal of a walk or sidewalk located on the land or bordering the land, a stile, a well, a drain, a drainage ditch, a sewer, or a cistern; or

(3) any other earth moving operation;

may have a lien as set forth in this section.

(b) A person described in subsection (a) may have a lien separately or jointly upon the:

(1) house, mill, manufactory, or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth:

(A) that the person erected, altered, repaired, moved, or removed; or

(B) for which the person furnished materials or machinery of any description; and

(2) on the interest of the owner of the lot or parcel of land:

(A) on which the structure or improvement stands; or

(B) with which the structure or improvement is connected;

to the extent of the value of any labor done or the material furnished, or both, including any use of the leased equipment and tools.

(c) All claims for wages of mechanics and laborers employed in or about a shop, mill, wareroom, storeroom, manufactory or structure, bridge, reservoir, system of waterworks or other structure, sidewalk, walk, stile, well, drain, drainage ditch, cistern, or any other earth

- 1 moving operation shall be a lien on all the:
- 2 (1) machinery;
- 3 (2) tools;
- 4 (3) stock;
- 5 (4) material; or
- 6 (5) finished or unfinished work;
- 7 located in or about the shop, mill, wareroom, storeroom, manufactory
- 8 or other building, bridge, reservoir, system of waterworks, or other
- 9 structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer,
- 10 cistern, or earth used in a business.
- 11 (d) If the person, firm, limited liability company, or corporation
- 12 described in subsection (a) is in failing circumstances, the claims
- 13 described in this section shall be preferred debts whether a claim or
- 14 notice of lien has been filed.
- 15 (e) Subject to subsection (f), a contract:
- 16 (1) for the construction, alteration, or repair of a Class 2 structure
- 17 (as defined in IC 22-12-1-5);
- 18 (2) for the construction, alteration, or repair of an improvement on
- 19 the same real estate auxiliary to a Class 2 structure (as defined in
- 20 IC 22-12-1-5);
- 21 (3) for the construction, alteration, or repair of property that is:
- 22 (A) owned, operated, managed, or controlled by a:
- 23 (i) public utility (as defined in IC 8-1-2-1);
- 24 (ii) municipally owned utility (as defined in IC 8-1-2-1);
- 25 (iii) joint agency (as defined in IC 8-1-2.2-2);
- 26 (iv) rural electric membership corporation formed under
- 27 IC 8-1-13-4;
- 28 (v) rural telephone cooperative corporation formed under
- 29 IC 8-1-17; or
- 30 (vi) not-for-profit utility (as defined in IC 8-1-2-125);
- 31 regulated under IC 8; and
- 32 (B) intended to be used and useful for the production,
- 33 transmission, delivery, or furnishing of heat, light, water,
- 34 telecommunications services, or power to the public; or
- 35 (4) to prepare property for Class 2 residential construction;
- 36 may include a provision or stipulation in the contract of the owner and
- 37 principal contractor that a lien may not attach to the real estate,
- 38 building, structure, or any other improvement of the owner.
- 39 (f) A contract containing a provision or stipulation described in
- 40 subsection (e) must meet the requirements of this subsection to be valid
- 41 against subcontractors, mechanics, journeymen, laborers, or persons
- 42 performing labor upon or furnishing materials or machinery for the
- 43 property or improvement of the owner. The contract must:
- 44 (1) be in writing;
- 45 (2) contain specific reference by legal description of the real estate
- 46 to be improved;
- 47 (3) be acknowledged as provided in the case of deeds; and

(4) be filed and recorded in the recorder's office of the county in which the real estate, building, structure, or other improvement is situated not more than five (5) days after the date of execution of the contract.

A contract containing a provision or stipulation described in subsection (e) does not affect a lien for labor, material, or machinery supplied before the filing of the contract with the recorder.

(g) Upon the filing of a contract under subsection (f), the recorder shall:

(1) record the contract at length in the order of the time it was received in books provided by the recorder for that purpose;

(2) index the contract in the name of the:

(A) contractor; and

(B) owner;

in books kept for that purpose; and

(3) collect a fee for recording the contract as is provided for the recording of deeds and mortgages.

(h) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit any material, labor, or machinery for the alteration or repair of an owner occupied single or double family dwelling or the appurtenances or additions to the dwelling to:

(1) a contractor, subcontractor, mechanic; or

(2) anyone other than the occupying owner or the owner's legal representative;

must furnish to the occupying owner of the parcel of land where the material, labor, or machinery is delivered a written notice of the delivery or work and of the existence of lien rights not later than thirty (30) days after the date of first delivery or labor performed. The furnishing of the notice is a condition precedent to the right of acquiring a lien upon the lot or parcel of land or the improvement on the lot or parcel of land.

(i) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit material, labor, or machinery for the original construction of a single or double family dwelling for the intended occupancy of the owner upon whose real estate the construction takes place to a contractor, subcontractor, mechanic, or anyone other than the owner or the owner's legal representatives must:

(1) furnish the owner of the real estate:

(A) as named in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor; or

(B) if IC 6-1.1-5-9 applies, as named in the transfer books of the ~~township~~ assessor **for the township**;

with a written notice of the delivery or labor and the existence of lien rights not later than sixty (60) days after the date of the first delivery or labor performed; and

(2) file a copy of the written notice in the recorder's office of the county not later than sixty (60) days after the date of the first delivery or labor performed.

The furnishing and filing of the notice is a condition precedent to the right of acquiring a lien upon the real estate or upon the improvement constructed on the real estate.

(j) A lien for material or labor in original construction does not attach to real estate purchased by an innocent purchaser for value without notice of a single or double family dwelling for occupancy by the purchaser unless notice of intention to hold the lien is recorded under section 3 of this chapter before recording the deed by which the purchaser takes title.

SECTION 73. IC 32-28-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) Except as provided in subsection (b), a person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

(1) in the recorder's office of the county; and

(2) not later than ninety (90) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(b) This subsection applies to a person that performs labor or furnishes materials or machinery described in section 1 of this chapter related to a Class 2 structure (as defined in IC 22-12-1-5) or an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5). A person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

(1) in the recorder's office of the county; and

(2) not later than sixty (60) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(c) A statement and notice of intention to hold a lien filed under this section must specifically set forth:

(1) the amount claimed;

(2) the name and address of the claimant;

(3) the owner's:

- 1 (A) name; and
- 2 (B) latest address as shown on the property tax records of the
- 3 county; and
- 4 (4) the:
  - 5 (A) legal description; and
  - 6 (B) street and number, if any;
  - 7 of the lot or land on which the house, mill, manufactory or other
  - 8 buildings, bridge, reservoir, system of waterworks, or other
  - 9 structure may stand or be connected with or to which it may be
  - 10 removed.

11 The name of the owner and legal description of the lot or land will be  
 12 sufficient if they are substantially as set forth in the latest entry in the  
 13 transfer books described in IC 6-1.1-5-4 of the county auditor or, if  
 14 IC 6-1.1-5-9 applies, the transfer books of the ~~township~~ assessor **for the**  
 15 **township** at the time of filing of the notice of intention to hold a lien.

16 (d) The recorder shall:

- 17 (1) mail, first class, one (1) of the duplicates of the statement and
- 18 notice of intention to hold a lien to the owner named in the
- 19 statement and notice not later than three (3) business days after
- 20 recordation;
- 21 (2) post records as to the date of the mailing; and
- 22 (3) collect a fee of two dollars (\$2) from the lien claimant for each
- 23 statement and notice that is mailed.

24 The statement and notice shall be addressed to the latest address of the  
 25 owner as specifically set out in the sworn statement and notice of the  
 26 person intending to hold a lien upon the property.

27 SECTION 74. IC 32-31-3-11 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The  
 29 following courts have original and concurrent jurisdiction in cases  
 30 arising under this chapter:

- 31 (1) A circuit court.
- 32 (2) A superior court.
- 33 (3) A county court.
- 34 (4) A municipal court.
- 35 ~~(5) A small claims court.~~

36 (b) A case arising under this chapter may be filed on the small  
 37 claims docket of a court that has jurisdiction.

38 SECTION 75. IC 33-23-11-7 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) As used in  
 40 this chapter, "judge" means a judge of the court of appeals, the tax  
 41 court, ~~or a circuit, superior, county, small claims;~~ or probate court, **or**  
 42 **a small claims judge (as defined in IC 33-33-49-5.2).**

43 (b) The term includes a judge pro tempore, commissioner, or hearing  
 44 officer if the judge pro tempore, commissioner, or hearing officer sits  
 45 more than twenty (20) days other than Saturdays, Sundays, or holidays  
 46 in one (1) calendar year as a judge, commissioner, or hearing officer in  
 47 any court.

SECTION 76. IC 33-23-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) As used in this chapter, "court employee" means a person employed by any of the following:

- (1) The supreme court.
- (2) The court of appeals.
- (3) The tax court.
- (4) A circuit court.
- (5) A superior court.
- (6) A juvenile court.
- (7) A probate court.
- (8) A county court.
- (9) A municipal court.
- (10) A city or town court.
- ~~(11) A small claims court.~~

(b) The term does not include a judge **or small claims judge (as defined in IC 33-33-49-5.2)** of any of the courts listed in subsection (a)(1) through ~~(a)(11):~~ **(a)(10).**

SECTION 77. IC 33-30-2-1, AS AMENDED BY P.L.237-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A county court is established in the following counties:

- (1) Floyd County.
- (2) Madison County.

(b) However, a county court listed in subsection (a) is abolished if:

- (1) IC 33-33 provides a small claims docket of the circuit court;
- or**
- (2) IC 33-33 provides a small claims docket of the superior court;

**or**

~~(3) IC 33-34 provides a small claims court;~~

for the county in which the county court was established.

SECTION 78. IC 33-33-49-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 5.1. (a) As used in this chapter, "judge" means a person elected under section 13 of this chapter.**

**(b) The term does not include a small claims judge.**

SECTION 79. IC 33-33-49-5.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 5.2. As used in this chapter, "small claims judge" means a person elected under:**

- (1) section 13.1 of this chapter; or**
- (2) IC 33-34-2-1 (before its repeal).**

SECTION 80. IC 33-33-49-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) There is established a superior court in Marion County. The court consists of **the following:**

1           (1) Thirty-two (32) judges.

2           (2) **Nine (9) small claims judges.**

3           (b) To be qualified to serve as a judge of the court, a person must be,  
4 at the time a declaration of candidacy or a petition of nomination under  
5 IC 3-8-6 is filed:

6           (1) a resident of Marion County; and

7           (2) an attorney who has been admitted to the bar of Indiana for at  
8 least five (5) years.

9           **(c) To be qualified to serve as a small claims judge, a person**  
10 **must meet the qualifications described in IC 3-8-1-30.**

11          ~~(c)~~ (d) During the term of office:

12           (1) a judge of the court must remain a resident of Marion County;  
13 **and**

14           **(2) a small claims judge must remain a resident of:**

15               **(A) Marion County; and**

16               **(B) the township from which the small claims judge was**  
17 **elected.**

18          SECTION 81. IC 33-33-49-9 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. **(a) Except as**  
20 **provided in subsection (b), the court has the following jurisdiction:**

21           (1) Concurrent and coextensive jurisdiction with the Marion  
22 circuit court in all cases and upon all subject matters, including  
23 civil, criminal, juvenile, probate, and statutory cases and matters,  
24 whether original or appellate.

25           (2) Original and exclusive jurisdiction in all matters pertaining to  
26 the following:

27               (A) The probate and settlement of decedents' estates, trusts,  
28 and guardianships.

29               (B) The probate of wills.

30               (C) Proceedings to resist the probate of wills.

31               (D) Proceedings to contest wills.

32               (E) The appointment of guardians, assignees, executors,  
33 administrators, and trustees.

34               (F) The administration and settlement of:

35                   (i) estates of protected persons (as defined in IC 29-3-1-13)  
36 and deceased persons;

37                   (ii) trusts, assignments, adoptions, and surviving  
38 partnerships; and

39                   (iii) all other probate matters.

40           (3) Original jurisdiction of all violations of Indiana law. Whenever  
41 jurisdiction is by law conferred on a small claims court, the court  
42 has the appellate jurisdiction provided by law.

43           (4) Original and exclusive juvenile jurisdiction.

44           **(b) The small claims division of the court established in section**  
45 **14(c)(5) of this chapter has the following jurisdiction:**

46           **(1) The small claims division of the court has original and**  
47 **concurrent jurisdiction with the court and the Marion circuit**

1 court in all civil cases founded on contract or tort in which the  
 2 debt or damage claimed does not exceed six thousand dollars  
 3 (\$6,000), not including interest or attorney's fees.

4 (2) The small claims division of the court has original and  
 5 concurrent jurisdiction with the court and the Marion circuit  
 6 court in possessory actions between landlord and tenant in  
 7 which the past due rent at the time of filing does not exceed six  
 8 thousand dollars (\$6,000), not including interest or attorney's  
 9 fees.

10 (3) The small claims division of the court has original and  
 11 concurrent jurisdiction with the court and the Marion circuit  
 12 court in actions for the possession of property where the value  
 13 of the property sought to be recovered does not exceed six  
 14 thousand dollars (\$6,000), not including interest and  
 15 attorney's fees.

16 (4) The small claims division of the court has original and  
 17 concurrent jurisdiction with the court and the Marion circuit  
 18 court in emergency possessory actions between a landlord and  
 19 tenant under IC 32-31-6.

20 (5) The small claims division of the court does not have  
 21 jurisdiction in the following:

22 (A) Actions seeking injunctive relief or involving partition  
 23 of real estate.

24 (B) Actions to declare or enforce a lien, except as provided  
 25 in section 20.5 of this chapter.

26 (C) Actions in which the appointment of a receiver is  
 27 asked.

28 (D) Suits for dissolution or annulment of marriage.

29 SECTION 82. IC 33-33-49-10 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) **Except as**  
 31 **provided in subsection (b)**, the court is a court of record. The court's  
 32 judgments, decrees, orders, and proceedings have the same effect and  
 33 shall be enforced in the same manner as those of the circuit court.

34 (b) **The small claims division of the court is not a court of**  
 35 **record.**

36 SECTION 83. IC 33-33-49-11 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The court  
 38 may adopt rules for conducting the business of the court. Except as  
 39 provided in subsection (b), in all matters action of the court may only  
 40 be taken by a vote of a majority of the judges sitting at the time the vote  
 41 is taken.

42 (b) Action of the court to remove the presiding judge or either  
 43 associate presiding judge may only be taken by a vote of two-thirds  
 44 (2/3) of the judges sitting at the time the vote is taken.

45 (c) The court has all the powers incident to a court of record in  
 46 relation to the attendance of witnesses, punishment of contempts, and  
 47 enforcement of the court's orders. The judges **and small claims judges**



1 may administer oaths, solemnize marriages, take and certify  
 2 acknowledgments of deeds and all legal instruments, and ~~to~~ give all  
 3 necessary certificates for the authentication of the records and  
 4 proceedings in the court.

5 SECTION 84. IC 33-33-49-12 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. **A judge of**  
 7 the court may do the following:

- 8 (1) Grant restraining orders and injunctions.
- 9 (2) Issue writs of habeas corpus.
- 10 (3) Appoint receivers, masters, and commissioners to:
  - 11 (A) convey real property;
  - 12 (B) grant commissions for the examination of witnesses; and
  - 13 (C) appoint other officers necessary to transact the business of
  - 14 the court.

15 SECTION 85. IC 33-33-49-13.1 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.1. (a) A small claims**  
 18 **judge shall be elected for a term of four (4) years that begins**  
 19 **January 1 after the year of the small claims judge's election and**  
 20 **continues through December 31 in the fourth year. The small**  
 21 **claims judge shall hold office for the four (4) year term or until the**  
 22 **small claims judge's successor is elected and qualified.**

23 **(b) A small claims judge shall be elected at the general election**  
 24 **every four (4) years by the registered voters residing within the**  
 25 **township in which the small claims division of the court is located.**

26 SECTION 86. IC 33-33-49-13.2 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.2. (a) A small claims**  
 29 **judge serving part time may participate in other gainful**  
 30 **employment if the employment does not:**

- 31 (1) interfere with the exercise of the small claims judge's
- 32 judicial office; or
- 33 (2) involve any conflict of interest in the performance of the
- 34 small claims judge's judicial duties.

35 **(b) A small claims judge serving full time may practice law if the**  
 36 **practice does not conflict in any way with the small claims judge's**  
 37 **official duties and does not:**

- 38 (1) cause the small claims judge to be unduly absent from the
- 39 court; or
- 40 (2) interfere with the ready and prompt disposal of the small
- 41 claims judge's judicial duties.

42 **(c) A small claims judge and the employees of the small claims**  
 43 **division of the court may be eligible to participate in the public**  
 44 **employees' retirement fund as provided in IC 5-10.3, but a small**  
 45 **claims judge is not eligible to participate as a member in the**  
 46 **judges' retirement fund under IC 33-38.**

47 **(d) A vacation of one (1) month per year shall be provided for**

1 a full-time small claims judge. The executive committee may  
 2 authorize the appointment of a small claims judge pro tempore to  
 3 handle the judicial business of the vacationing small claims judge  
 4 if the executive committee considers it necessary.

5 SECTION 87. IC 33-33-49-13.3 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JANUARY 1, 2007]: Sec. 13.3. A small claims judge  
 8 shall:

9 (1) furnish a bond in a sum required by the circuit court judge  
 10 to provide for the:

11 (A) faithful discharge of the duties of the office; and

12 (B) payment or delivery to the proper persons of whatever  
 13 money or other property may come into the small claims  
 14 judge's hands when acting as small claims judge; and

15 (2) file the bond with the county recorder.

16 The bond must also extend to cover a person that is appointed to  
 17 act as a small claims judge under section 13.4 of this chapter.

18 SECTION 88. IC 33-33-49-13.4 IS ADDED TO THE INDIANA  
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 20 [EFFECTIVE JANUARY 1, 2007]: Sec. 13.4. (a) If a small claims  
 21 judge is unable to preside over the small claims judge's division of  
 22 the small claims court during any number of days, the small claims  
 23 judge may appoint in writing a person qualified to be a small  
 24 claims judge under section 6(c) of this chapter to preside in place  
 25 of the small claims judge.

26 (b) The written appointment shall be entered on the order book  
 27 or record of the superior court. The appointee shall, after taking  
 28 the oath prescribed for the small claims judges, conduct the  
 29 business of the division subject to the same rules and regulations as  
 30 small claims judges and has the same authority during the  
 31 continuance of the appointee's appointment.

32 (c) The appointee is entitled to the same compensation from the  
 33 county auditor as accruable to the small claims judge in whose  
 34 place the appointee is serving.

35 SECTION 89. IC 33-33-49-13.5 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JANUARY 1, 2007]: Sec. 13.5. (a) A small claims  
 38 judge absent from the bench for more than thirty (30) days shall  
 39 deposit the dockets, books, and papers of the office with:

40 (1) the small claims judge of another township division; or

41 (2) the executive committee of the court;

42 as directed by the presiding judge.

43 (b) A:

44 (1) small claims judge with whom the docket of another small  
 45 claims judge is deposited during a vacancy or an absence; and

46 (2) successor of any small claims judge who has the dockets of

1           **the successor's predecessor in the successor's possession;**  
 2           **may perform all duties that the small claims judge might do legally**  
 3           **in relation to the small claims judge's own dockets.**

4           **(c) Process shall be returned to the small claims judge or judge**  
 5           **who has the legal custody of the docket at the day of return.**

6           SECTION 90. IC 33-33-49-14 IS AMENDED TO READ AS  
 7           FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) Not more  
 8           than thirty (30) days after taking the oath of office, the judges shall  
 9           meet and designate three (3) of the judges as the executive committee  
 10          for administrative purposes. The executive committee shall be selected  
 11          by a vote of two-thirds (2/3) of the judges sitting at the time the vote is  
 12          taken. If all vacancies cannot be filled by a two-thirds (2/3) vote,  
 13          vacancies may be filled by such other method as provided by court rule.  
 14          The executive committee is responsible for the operation and conduct  
 15          of the court. A member of the executive committee shall serve in the  
 16          capacity provided by rules adopted by the court under section 11 of this  
 17          chapter. A member of the executive committee serves for a term of two  
 18          (2) years beginning on the date of the member's election. Any or all of  
 19          the members elected to the executive committee may be reelected. Of  
 20          the three (3) judges elected to the executive committee, not more than  
 21          two (2) may be members of the same political party.

22          (b) One (1) of the three (3) judges elected to the executive  
 23          committee shall be elected as presiding judge and two (2) of the three  
 24          (3) judges elected to the executive committee shall be elected as  
 25          associate presiding judges. Each judge who is a member of the  
 26          executive committee has an equal vote in all matters pertaining to the  
 27          business of the court when an action requires a majority vote. Any  
 28          action taken by the executive committee may be overruled by a vote of  
 29          two-thirds (2/3) of all the judges sitting at the time the vote is taken.  
 30          The physical reassignment of a judge to a different courtroom requires  
 31          a unanimous vote of the executive committee. The executive committee  
 32          shall assign cases, offices, and courtrooms for trial judges or  
 33          reassignment of newly filed cases in the interests of the speedy,  
 34          economical, and uniform disposition of cases. All matters of trial dates,  
 35          continuances, and subpoenas used for trial shall be determined by the  
 36          trial judge in accordance with rules of the superior court. The executive  
 37          committee shall perform other duties as determined by rules of the  
 38          court.

39          (c) The court shall, by rules of the court, divide the work of the court  
 40          into various divisions, including but not limited to the following:

- 41               (1) Civil.
- 42               (2) Criminal.
- 43               (3) Probate.
- 44               (4) Juvenile.

45               **(5) Small claims.**

46          (d) The work of each division shall be allocated by the rules of the  
 47          court, **except to the extent that the work of the small claims division**

1 is otherwise provided by law. The judges shall extend aid and  
 2 assistance to the small claims judges in the conduct of the small  
 3 claims division of the court.

4 (e) The judges shall be assigned to various divisions or rooms as  
 5 provided by rules of the court. Whenever possible, an incumbent judge  
 6 shall be allowed the option of remaining in a particular room or  
 7 division. Whenever any action of the court is required, the judges of the  
 8 court shall act in concert, by a vote under section 11 of this chapter.  
 9 The court shall keep appropriate records of rules, orders, and  
 10 assignments of the court.

11 (f) The executive committee of the court, assisted by the small  
 12 claims judges, shall make and adopt uniform rules for conducting  
 13 the business of the small claims division of the court:

14 (1) according to a simplified procedure; and

15 (2) in the spirit of sections 20.1 and 20.3 of this chapter.

16 (g) The executive committee of the court, assisted by the small  
 17 claims judges, may establish a regular hourly schedule for the  
 18 performance of duties by full-time and part-time small claims  
 19 judges. A small claims judge shall maintain the schedule. If the  
 20 executive committee of the court does not establish a regular hourly  
 21 schedule, the small claims judge shall perform the small claims  
 22 judge's duties at regular, reasonable hours. Regardless of whether  
 23 a regular hourly schedule has been established under this  
 24 subsection, a small claims judge shall hold sessions in addition to  
 25 the small claims judge's regular schedule when the business of the  
 26 small claims judge's court requires.

27 SECTION 91. IC 33-33-49-14.1 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JANUARY 1, 2007]: Sec. 14.1. The small claims  
 30 division of the court is composed of township divisions. The name  
 31 of each township division shall be the " \_\_\_\_\_ Township of Marion  
 32 County Small Claims Division".

33 SECTION 92. IC 33-33-49-14.2 IS ADDED TO THE INDIANA  
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JANUARY 1, 2007]: Sec. 14.2. (a) The voters of each  
 36 township having a small claims division of the court shall elect a  
 37 small claims constable at the general election every four (4) years  
 38 for a term of office of four (4) years, beginning January 1 after  
 39 election and continuing until a successor is elected and qualified.  
 40 The ballot must state the:

41 (1) name of the candidate; and

42 (2) division of the court for which the candidate is to serve.

43 (b) Each township small claims division of the court shall have  
 44 a constable who:

45 (1) acts as the bailiff;

46 (2) serves the division's personal service of process;

- 1           **(3) has police powers to:**
  - 2               **(A) make arrests;**
  - 3               **(B) keep the peace; and**
  - 4               **(C) carry out the orders of the court;**
- 5           **(4) meets the qualifications prescribed by IC 3-8-1-31;**
- 6           **(5) is compensated for each process that is delivered to effect**
- 7           **personal service when serving as the bailiff;**
- 8           **(6) is responsible for:**
  - 9               **(A) the preparation and mailing of all registered or**
  - 10              **certified service and is compensated for each process**
  - 11              **served by mail; and**
  - 12              **(B) all the official acts of the deputies;**
- 13           **(7) is compensated solely from the service of process fees**
- 14           **collected under IC 33-37-4-6.5; and**
- 15           **(8) may require a deputy to give a bond for the proper**
- 16           **discharge of the deputy's duties for an amount fixed by the**
- 17           **constable.**
- 18           **(c) The elected constable may appoint full-time and part-time**
- 19           **deputies for assistance in the performance of official duties who:**
  - 20               **(1) perform all the official duties required to be performed by**
  - 21               **the constable;**
  - 22               **(2) possess the same statutory and common law powers and**
  - 23               **authority as the constable;**
  - 24               **(3) must take the same oath required of the constable;**
  - 25               **(4) are compensated solely from the service of process fees**
  - 26               **collected under IC 33-37-4-6.5; and**
  - 27               **(5) serve at the pleasure of the constable and may be dismissed**
  - 28               **at any time with or without cause.**
- 29           **(d) If there is an:**
  - 30               **(1) emergency; or**
  - 31               **(2) inability of a constable to carry out the constable's duties;**
- 32           **the small claims judge may appoint a special constable to carry out**
- 33           **the duties of the constable during the emergency or inability.**
- 34           SECTION 93. IC 33-33-49-15 IS AMENDED TO READ AS
- 35           FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) The
- 36           executive committee, with the approval of two-thirds (2/3) of the
- 37           judges, shall determine the number of hearing judges, commissioners,
- 38           referees, bail commissioners, court reporters, probation officers, and
- 39           other personnel required to efficiently serve the court. The salaries of
- 40           the personnel shall be fixed and paid as provided by law.
- 41           (b) The administrative officers shall perform the duties prescribed
- 42           by the executive committee and shall operate under the jurisdiction of
- 43           the executive committee and serve at the pleasure of the executive
- 44           committee.
- 45           (c) The executive committee shall see that the court at all times is
- 46           amply provided with supplies and sufficient clerical and other help,
- 47           including extra reporters or bailiffs, when needed. Each judge shall

1 appoint the judge's court reporters, bailiffs, secretary, commissioners,  
 2 and clerks. **Personnel of the small claims division of the court shall**  
 3 **be appointed under rules of the court.** In addition to the specified  
 4 duties of this subsection, the executive committee shall exercise any  
 5 other powers and duties that may be assigned to the executive  
 6 committee by an order book entry signed by a two-thirds (2/3) majority  
 7 of the judges. At least once each month, a general term conference of  
 8 all superior division judges must be held, at which the presiding judge  
 9 shall preside. A special order book must be kept for the court in which  
 10 shall be entered all special rules, proceedings, and similar matters.  
 11 During an absence or a vacation of a judge who is a member of the  
 12 executive committee, the senior superior court judge shall act for the  
 13 absent member, if necessary.

14 SECTION 94. IC 33-33-49-17 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) **Except as**  
 16 **provided in subsection (b),** the court shall hold sessions in:

- 17 (1) the city-county building in Indianapolis; and
- 18 (2) other places in Marion County as the court determines.

19 (b) The city-county council shall:

- 20 (1) provide and maintain in the building and at other places in
- 21 Marion County as the court may determine suitable and
- 22 convenient courtrooms for the holding of the court, suitable and
- 23 convenient jury rooms, and offices for the judges, other court
- 24 officers and personnel, and other facilities as are necessary; ~~and~~
- 25 (2) provide all necessary furniture and equipment for rooms and
- 26 offices of the court;
- 27 **(3) determine whether each of the township divisions of the**
- 28 **small claims division of the court shall be a full-time or**
- 29 **part-time division;**
- 30 **(4) determine where each of the township divisions of the**
- 31 **small claims division of the court shall hold sessions; and**
- 32 **(5) in making the determination required by subdivision (4),**
- 33 **consider any recommendations of the transitional advisory**
- 34 **board established in IC 36-6-1.1.**

35 SECTION 95. IC 33-33-49-19 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. The court  
 37 shall maintain a single order book for each division or room of the court  
 38 that may be signed on behalf of the court by the judge **or small claims**  
 39 **judge** of that division or room of the court. The signature of the judge  
 40 **or small claims judge** authenticates the actions of the court.

41 SECTION 96. IC 33-33-49-20 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. **Except as**  
 43 **otherwise provided in this chapter concerning the small claims**  
 44 **division of the court,** all laws of Indiana and rules adopted by the  
 45 supreme court governing the circuit court in matters of pleadings,  
 46 practice, the issuing and service of process, the giving of notice, the  
 47 appointing of judges pro tempore and special judges, changes of venue

from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court apply to and govern the court.

SECTION 97. IC 33-33-49-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.1. A simplified procedure applies to and governs the small claims division of the court. The simplified procedure shall be established by rule to enable any person, including the state, to:**

**(1) file the necessary papers; and**

**(2) present the person's case in court;**

**either to seek or to defend against a small claim without consulting or being represented by an attorney.**

SECTION 98. IC 33-33-49-20.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.2. (a) Upon the filing of a complaint in the small claims division of the court, service of original process shall be attempted by personal service of the summons and complaint on the defendant, which may include leaving a copy of the service at the last known place of residence of the party if the process server properly describes on the return the residence, noting any of its unique features, and mailing by first class a copy of the service without charge to the party at the same last known place of residence.**

**(b) If service cannot be made in this manner, service of process shall be made in an alternate manner as provided by the Indiana Rules of Civil Procedure.**

**(c) Subsequent service of process, other than that originally served upon filing of the complaint, may be made by registered or certified mail or another manner authorized by the Indiana Rules of Civil Procedure.**

SECTION 99. IC 33-33-49-20.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.3. (a) A trial in the small claims division of the court:**

**(1) must be informal, with the sole objective of dispensing speedy justice between the parties according to the rules of substantive law; and**

**(2) may not be bound by the statutory provisions or rules of practice, procedure, pleadings, or evidence, except the provisions relating to privileged communications and offers of compromise.**

**(b) There may not be a trial by jury in the small claims division of the court.**

**(c) A filing of a civil claim in the small claims division of the court constitutes a waiver of trial by jury by the plaintiff.**

(d) A defendant in a small claims case waives the right to trial by jury unless the defendant requests a jury trial at least three (3) calendar days before the trial date that appears on the complaint. Upon the filing of a jury trial request, the small claims division of the court shall transfer the claim out of the small claims division to the general jurisdiction of the court. The defendant shall pay all costs necessary for filing the claim in the general jurisdiction of the court as if the cause had been filed initially in the general jurisdiction of the court.

(e) A notice of claim filed in the small claims division of the court must include a statement that reflects the provisions of subsection (d).

SECTION 100. IC 33-33-49-20.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.4. (a)** Except for a claim between landlord and tenant, a case within the jurisdiction of a township small claims division may be:

- (1) venued;
- (2) commenced; and
- (3) decided;

in any township small claims division within the county. However, upon a motion for change of venue filed by the defendant within ten (10) days of service of the summons, the township small claims division in which the motion was filed shall determine in accordance with subsection (b) whether required venue lies with it or with another township small claims division in the county in which the small claims action was filed.

(b) The venue determination to be made under subsection (a) must be made in the following order:

- (1) In an action upon a debt or an account, venue is in the township where any defendant has consented to venue in a writing signed by the defendant.
- (2) Venue is in the township where a transaction or occurrence giving rise to any part of the claim took place.
- (3) Venue is in the township (in a county of the small claims division) where the greater percentage of individual defendants included in the complaint resides or, if there is not a greater percentage, the place where any individual named as a defendant:
  - (A) resides;
  - (B) owns real estate; or
  - (C) rents an apartment or real estate or where the principal office or place of business of any defendant is located.
- (4) Venue is in the township where the claim was filed if there is no other township in the county in which the small claims



1           division sits in which required venue lies.

2           (c) Venue of any claim between landlord and tenant must be in  
3           the township where the real estate is located.

4           (d) If a written motion challenging venue is received by the  
5           township small claims division, the township small claims division  
6           shall rule whether required venue lies in the township of filing.

7           SECTION 101. IC 33-33-49-20.5 IS ADDED TO THE INDIANA  
8           CODE AS A NEW SECTION TO READ AS FOLLOWS  
9           [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.5. (a) If the small claims**  
10          **judgment or order is against the defendant, the defendant shall pay**  
11          **the judgment at any time and upon terms and conditions as the**  
12          **small claims judge orders.**

13          (b) If the small claims judge orders that the judgment be paid in  
14          specified installments, the small claims judge may stay the issuance  
15          of execution and other supplementary process during the period of  
16          compliance with the order.

17          (c) A stay ordered under subsection (b) may be modified or  
18          vacated by the small claims division of the court.

19          (d) All small claims judgments rendered in civil actions may be  
20          recorded in the judgment docket book of the proper township small  
21          claims division of the court.

22          (e) A judgment entered by a small claims judge is a lien on real  
23          estate when entered in the circuit court judgment docket in the  
24          same manner as a judgment in a court of general jurisdiction  
25          becomes a lien on real estate under IC 34-55-9.

26          (f) The judgments of the small claims division of the court shall  
27          be entered and properly indexed in the name of the judgment  
28          defendant as judgments of the general jurisdiction of the court are  
29          entered and indexed.

30          SECTION 102. IC 33-33-49-22 IS AMENDED TO READ AS  
31          FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 22. (a) A party**  
32          **may appeal an order or a judgment of the court in any case where an**  
33          **appeal may be had from a similar order or judgment of the circuit court.**

34          (b) All appeals from judgments of the small claims division of  
35          the court shall be taken to the general jurisdiction of the court and  
36          tried de novo. The rules of procedure for appeals must be in  
37          accordance with the rules established by the court. The appellant  
38          shall pay all costs necessary for the filing of the case in the general  
39          jurisdiction of the court as if the appeal were a case that had been  
40          filed initially in the general jurisdiction of the court.

41          SECTION 103. IC 33-33-49-24 IS AMENDED TO READ AS  
42          FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 24. (a) The judge**  
43          **of the Marion circuit court may, with the consent of the court acting**  
44          **through the superior court presiding judge under rules adopted by the**  
45          **court, transfer any action, cause, or proceeding filed and docketed in**  
46          **the circuit court to the court by transferring all original papers and**

instruments filed in that action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the court.

**(b) The superior court presiding judge may not consent to a transfer to the small claims division of the court unless:**

**(1) the small claims division of the court has jurisdiction of the cause concurrent with the circuit court; and**

**(2) the small claims judge consents to the transfer.**

SECTION 104. IC 33-33-49-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 25.1. (a) A judge of the court may order a cause filed in the general jurisdiction of the court to be transferred to the small claims division of the court if:**

**(1) the small claims division of the court has jurisdiction of the cause concurrent with the general jurisdiction of the court; and**

**(2) the small claims judge consents to the transfer.**

**(b) The presiding judge may transfer cases from one (1) township small claims division of the court to another as necessary.**

SECTION 105. IC 33-33-49-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 26. The judge of the Marion circuit court may sit as a judge or small claims judge of the court, with the court's permission, in all matters pending before the court, without limitation and without any further order, in the same manner as a judge of the court with all the rights and powers of an elected judge or small claims judge of the court.**

SECTION 106. IC 33-33-49-26.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 26.1. (a) A judge of the court may sit as a special small claims judge in the small claims division of the court.**

**(b) Except for mileage and travel expenses, a judge serving as a special small claims judge under this section may not receive compensation in addition to the salary provided under this article.**

**(c) A small claims judge may sit in place of another small claims judge and perform the other small claims judge's duties:**

**(1) at the direction of or with the approval of the presiding judge; and**

**(2) with the consent of the respective judges.**

SECTION 107. IC 33-33-49-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 27. Each judge and small claims judge, before entering upon the duties of office, shall take and subscribe the following oath or affirmation:**

**"I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Indiana and that I will faithfully discharge the duties of (judge or small claims judge) of the superior court of Marion County to the best**

1 of my ability.".

2 The oath shall be filed with the clerk of the county.

3 SECTION 108. IC 33-33-49-30 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 30. (a) A judge  
5 remains qualified to hold office as long as the judge:

6 (1) remains fair and impartial in judicial functions;

7 (2) maintains a high standard of morality in dealings, public and  
8 private;

9 (3) remains physically and mentally capable of performing all the  
10 functions and duties of the office of judge; and

11 (4) continues to reside in Marion County.

12 **(b) A small claims judge remains qualified to hold office as long**  
13 **as the small claims judge meets the requirements of subsection (a)**  
14 **and:**

15 **(1) continues to reside in the township from which the small**  
16 **claims judge was elected; or**

17 **(2) was elected as a small claims judge in the township before**  
18 **January 1, 1999.**

19 ~~(b)~~ **(c)** Complaints against a judge **or small claims judge** must be  
20 forwarded to the commission on judicial qualifications as provided in  
21 IC 33-38-13 by any judge **or small claims judge** of the superior court.

22 ~~(c)~~ **(d)** A judge of the court must retire upon becoming seventy-five  
23 (75) years of age. If the judge wishes to retire before the judge's term  
24 has ended or upon reaching the mandatory retirement age, the judge  
25 shall provide written notice to the presiding judge of the court. The  
26 judge shall continue to hold office until a successor has been appointed  
27 and qualified.

28 ~~(d)~~ **(e)** When a vacancy occurs ~~in the court~~ **among the:**

29 **(1) judges of the court** by death, removal, retirement, or for any  
30 other reason, the governor shall appoint a successor judge who:

31 **(A)** serves the balance of the term of the vacating judge; ~~The~~  
32 ~~successor judge must be and~~

33 **(B)** is a member of the same political party as the judge who is  
34 to be succeeded; **and**

35 **(2) small claims judges of the court by death, removal,**  
36 **retirement, or any other reason, the vacancy shall be filled**  
37 **under IC 3-13-10.**

38 SECTION 109. IC 33-33-49-34 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 34. (a) The clerk  
40 of the superior court shall furnish the following:

41 (1) All blanks, forms, and papers required for use in all criminal  
42 cases and in all civil actions involving actions by a city or town  
43 for violations of municipal penal ordinances.

44 (2) All books, papers, stationery, furniture, and other equipment  
45 and supplies necessary for keeping the records of the proceedings  
46 in all rooms **and divisions** of the superior court and for the  
47 transaction of all business of the court.

(3) Necessary computerization of court records.

(b) The materials required under this section shall be furnished at the expense of the county.

(c) The presiding judge of the court, by an order entered on the court records signed by the presiding judge, shall determine and prescribe the forms of the following:

(1) All summonses, notices, subpoenas, warrants, affidavits, complaints, writs, and all other papers and anything else required to be used in the cases relating to violations of criminal statutes or municipal ordinances.

(2) All other books, records, papers, and documents to be used by the court and by the officers of the court and the prosecutors.

In the absence of an order under this subsection, those charged with the duty of prosecuting cases involving either criminal offenses or the violation of municipal ordinances may adopt, change, order, and use all necessary forms and instruments as conform substantially to the practice and procedure applicable.

SECTION 110. IC 33-37-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. **(a) Except as provided in subsection (b),** court costs fees under this chapter include service of process by certified mail, unless service by the sheriff is requested by the person who institutes the action.

**(b) Court costs fees under this chapter do not include service of process fees collected under IC 33-37-4-6.5.**

SECTION 111. IC 33-37-4-4, AS AMENDED BY P.L.176-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

(1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).

(2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

(3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

(4) Proceedings in paternity under IC 31-14.

~~(5) Proceedings in small claims court under IC 33-34.~~

~~(6)~~ **(5)** Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A support and maintenance fee (IC 33-37-5-6).

(3) A document storage fee (IC 33-37-5-20).

(4) An automated record keeping fee (IC 33-37-5-21).

(5) A public defense administration fee (IC 33-37-5-21.2).

(6) A judicial insurance adjustment fee (IC 33-37-5-25).

(7) A judicial salaries fee (IC 33-37-5-26).

(8) A court administration fee (IC 33-37-5-27).

(9) A service fee (IC 33-37-5-28).

SECTION 112. IC 33-37-4-6, AS AMENDED BY P.L.176-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) **Except as provided in section 6.5 of this chapter**, for each small claims action, the clerk shall collect the following fees:

(1) From the party filing the action:

(A) a small claims costs fee of thirty-five dollars (\$35); and

(B) a small claims service fee of ten dollars (\$10) for each named defendant.

(2) From any party adding a defendant, a small claims service fee of ten dollars (\$10) for each defendant added in the action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

(4) A public defense administration fee (IC 33-37-5-21.2).

(5) A judicial insurance adjustment fee (IC 33-37-5-25).

(6) A judicial salaries fee (IC 33-37-5-26).

(7) A court administration fee (IC 33-37-5-27).

SECTION 113. IC 33-37-4-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 6.5. (a) For each small claims action filed under the jurisdiction of IC 33-33-49-9(b), the clerk shall collect from the party filing the action the following fees:**

**(1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.**

**(2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.**

**(3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.**

**(4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.**

**(5) A redocketing fee, if any, of five dollars (\$5).**

**(6) A document storage fee under IC 33-37-5-20.**

**(7) An automated record keeping fee under IC 33-37-5-21.**

**(8) A late fee, if any, under IC 33-37-5-22.**

**(9) A public defense administration fee under IC 33-37-5-21.2. The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.**

**(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.**

SECTION 114. IC 33-37-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. (a) Except as provided in subsection (e), this section applies to an action if all the following apply:

(1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:

(A) committed a crime;

(B) violated a statute defining an infraction;

(C) violated an ordinance of a municipal corporation; or

(D) committed a delinquent act.

(2) The defendant is required to pay:

(A) court costs, including fees;

(B) a fine; or

(C) a civil penalty.

(3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.

(4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:

(A) The end of the business day on which the court enters the conviction or judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

(b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).

(c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars (\$25) from a defendant described in subsection (a).

(d) Notwithstanding IC 33-37-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

(e) A plaintiff or defendant in ~~an~~ **a small claims** action under ~~IC 33-34~~ **IC 33-33-49** shall pay a late fee of twenty-five dollars (\$25) if the plaintiff or defendant:

(1) is required to pay court fees or costs under ~~IC 33-34-8-1;~~ **IC 33-37-4-6.5;**

(2) is not determined by the court imposing the court costs to be

indigent; and

(3) fails to pay the costs in full before the later of the following:

(A) The end of the business day on which the court enters the judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

SECTION 115. IC 33-37-7-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 4.5. The clerk of a circuit court in a county having a consolidated city shall forward to the controller of the consolidated city one hundred percent (100%) of the fees collected under the following:**

(1) IC 33-37-4-6.5(a)(1) (township docket fees).

(2) IC 33-37-4-6.5(a)(2) (bailiff's service of process fees).

(3) IC 33-37-4-6.5(a)(3) (service of process costs).

(4) IC 33-37-4-6.5(a)(4) (witness fees).

(5) IC 33-37-4-6.5(a)(5) (redocketing fees).

**The clerk shall forward the fees in accordance with section 12 of this chapter.**

SECTION 116. IC 33-37-5-21.2, AS AMENDED BY P.L.176-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 21.2. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding ~~for to~~ **enforce a statute defining** an infraction. ~~violation.~~

(3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a ~~court described in IC 33-34~~, **division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a public defense administration fee of three dollars (\$3).

(b) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have ~~violated~~ **committed** an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a public defense administration fee of three dollars (\$3).

SECTION 117. IC 33-37-5-26, AS ADDED BY P.L.176-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 26. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

1 (2) A proceeding for an infraction violation.

2 (3) A proceeding for an ordinance violation.

3 (4) A small claims action.

4 In each action filed in a court described in IC 33-37-1-1, the clerk shall  
5 collect a judicial salaries fee equal to the amount specified in the  
6 schedule in subsection (d).

7 (b) In each small claims action filed in a court described in  
8 IC 33-37-1-1 or ~~IC 33-34~~, **in a division established under**  
9 **IC 33-33-49-14(c)(5)** the clerk shall collect a judicial salaries fee  
10 specified in the schedule in subsection (e).

11 (c) In each action in which a person is:

12 (1) convicted of an offense;

13 (2) required to pay a pretrial diversion fee;

14 (3) found to have violated an infraction; or

15 (4) found to have violated an ordinance;

16 the clerk shall collect a judicial salaries fee specified in the schedule in  
17 subsection (d).

18 (d) Beginning:

19 (1) after June 30, 2005, and ending before July 1 of the first state  
20 fiscal year after June 30, 2006, in which salaries are increased  
21 under IC 33-38-5-8.1, the judicial salaries fee to which this  
22 subsection applies is fifteen dollars (\$15);

23 (2) after June 30 immediately preceding the first state fiscal year  
24 in which salaries are increased under IC 33-38-5-8.1 and ending  
25 before July 1 of the second state fiscal year after June 30, 2006,  
26 in which salaries are increased under IC 33-38-5-8.1, the judicial  
27 salaries fee to which this subsection applies is sixteen dollars  
28 (\$16);

29 (3) after June 30 immediately preceding the second state fiscal  
30 year in which salaries are increased under IC 33-38-5-8.1 and  
31 ending before July 1 of the third state fiscal year after June 30,  
32 2006, in which salaries are increased under IC 33-38-5-8.1, the  
33 judicial salaries fee to which this subsection applies is seventeen  
34 dollars (\$17);

35 (4) after June 30 immediately preceding the third state fiscal year  
36 in which salaries are increased under IC 33-38-5-8.1 and ending  
37 before July 1 of the fourth state fiscal year after June 30, 2006, in  
38 which salaries are increased under IC 33-38-5-8.1, the judicial  
39 salaries fee to which this subsection applies is eighteen dollars  
40 (\$18);

41 (5) after June 30 immediately preceding the fourth state fiscal year  
42 in which salaries are increased under IC 33-38-5-8.1 and ending  
43 before July 1 of the fifth state fiscal year after June 30, 2006, in  
44 which salaries are increased under IC 33-38-5-8.1, the judicial  
45 salaries fee to which this subsection applies is nineteen dollars  
46 (\$19); and

47 (6) after June 30 immediately preceding the fifth state fiscal year



in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twenty dollars (\$20).

(e) Beginning:

(1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is ten dollars (\$10);

(2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eleven dollars (\$11);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twelve dollars (\$12);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is thirteen dollars (\$13);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15).

SECTION 118. IC 33-37-5-27, AS ADDED BY P.L.176-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 27. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding to enforce a statute defining an infraction.

(3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a ~~court described in IC 33-34~~, **division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a court administration fee of two dollars (\$2).

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have committed an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a court administration fee of two dollars (\$2).

SECTION 119. IC 33-38-5-6, AS AMENDED BY P.L.159-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) The annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is one hundred ten thousand five hundred dollars (\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter, paid by the state. In addition, a judge under this section may receive any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) for additional salary in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the division of state court administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

- (1) the payment made on behalf of that judge;
- (2) previous payments made on behalf of that judge in the same calendar year; and
- (3) the state share of the judge's salary under subsection (a);

exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total exceeds the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

- (1) is established by the state;
- (2) applies to a judge who is covered by this section; and
- (3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a

1 county under subsection (a).

2 **(e) This section does not apply to a small claims judge (as**  
3 **defined in IC 33-33-49-5.2).**

4 SECTION 120. IC 33-38-5-6.1 IS ADDED TO THE INDIANA  
5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE JANUARY 1, 2007]: **Sec. 6.1. (a) This section applies**  
7 **to a small claims judge (as defined in IC 33-33-49-5.2).**

8 **(b) The salary of a small claims judge who serves full time must**  
9 **be in an amount determined by the auditor of the county and**  
10 **approved by the city-county council.**

11 **(c) The salary of each small claims judge who serves part time**  
12 **must be in an amount determined by the auditor of the county and**  
13 **approved by the city-county council.**

14 **(d) The salary of a small claims judge may not be reduced**  
15 **during the small claims judge's term of office. At any other time,**  
16 **the salary of any full-time or part-time small claims judge may be**  
17 **increased or decreased by the auditor with the approval of the**  
18 **city-county council.**

19 **(e) The annual salary of a small claims judge shall be paid in**  
20 **twelve (12) equal monthly installments by the county.**

21 **(f) A small claims judge may not receive remuneration other**  
22 **than a salary set under this section for the performance of the small**  
23 **claims judge's official duties except payments for performing**  
24 **marriage ceremonies.**

25 SECTION 121. IC 33-38-6-7 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 7. (a)** As used in  
27 this chapter, "judge" means a person who serves or has served as a  
28 regular judge or justice of one (1) or more of the following courts:

- 29 (1) Supreme court.
- 30 (2) Court of appeals.
- 31 (3) Indiana tax court.
- 32 (4) Circuit court of a judicial circuit.
- 33 (5) Superior court of a county.
- 34 (6) Criminal court of a county having a separate criminal court.
- 35 (7) Probate court of a county having a separate probate court.
- 36 (8) Juvenile court of a county having a separate juvenile court.
- 37 (9) Municipal court of a county.
- 38 (10) County court of a county.

39 **(b) The term does not include a small claims judge (as defined**  
40 **in IC 33-33-49-5.2).**

41 SECTION 122. IC 33-38-12-3 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 3.** As used in this  
43 chapter, "judge" means an individual who holds or formerly held one  
44 (1) of the following offices or appointments:

- 45 (1) Justice of the supreme court.
- 46 (2) Judge of the court of appeals.
- 47 (3) Judge of the tax court.

- (4) Judge of a circuit court.
- (5) Judge of a superior court.
- (6) Judge of a probate court.
- (7) Judge of a municipal court.
- (8) Judge of a county court.
- (9) Judge of a city court.
- (10) Judge of a town court.
- (11) **Small claims judge.** ~~of a small claims court.~~
- (12) A judge pro tempore, senior judge, temporary judge, or any other individual serving as judge in an action or a proceeding in an Indiana court.
- (13) Bail commissioner.
- (14) Magistrate.
- (15) Master commissioner.
- (16) Probate commissioner.
- (17) Referee.

SECTION 123. IC 33-38-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. As used in this chapter, "judge" means a:

- (1) judge of a superior or probate court; **and**
- (2) **small claims judge (as defined in IC 33-33-49-5.2).**

SECTION 124. IC 33-41-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) This section applies to the small claims ~~court division~~ established under ~~IC 33-34-~~ **IC 33-33-49-14(c)(5).**

(b) The person who is designated by a **small claims** judge of the court to prepare transcripts may collect a fee of not more than five dollars (\$5) for each transcript from a person who requests the preparation of a transcript.

SECTION 125. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 58. IC 15-3-4-2 (Concerning township trustees, **a consolidated city**, or persons hired by them for the removal of detrimental plants upon another person's real property).".

Page 2, between lines 21 and 22, begin a new paragraph and insert: "SECTION 129. IC 36-1-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 22. (a) "Township", ~~refers to except as provided in subsection (b), means:~~

- (1) a civil township, unless the reference is to a congressional township or school township; **or**
- (2) **except as provided in IC 36-6-1.1, IC 36-6-4.1, and IC 36-6-6.1, a township district for a county having a consolidated city, unless the reference is to a congressional township or school township or the context requires otherwise.**

(b) "Township" means only a civil township for purposes of the following:

1           **(1) IC 36-7-4.**

2           **(2) IC 36-9-27."**

3           Page 20, between lines 26 and 27, begin a new paragraph and insert:

4           "SECTION 131. IC 36-2-15-5 IS AMENDED TO READ AS  
5           FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county  
6           assessor shall perform the functions assigned by statute to the county  
7           assessor, including the following:

8                 (1) Countywide equalization.

9                 (2) Selection and maintenance of a countywide computer system.

10                (3) Certification of gross assessments to the county auditor.

11                (4) Discovery of omitted property.

12           (b) The county assessor shall perform the functions of an assessing  
13           official under IC 36-6-5-2 in a township with a township  
14           assessor-trustee if the township assessor-trustee:

15                 (1) fails to make a report that is required by law;

16                 (2) fails to deliver a property tax record to the appropriate officer  
17                 or board;

18                 (3) fails to deliver an assessment to the county assessor; or

19                 (4) fails to perform any other assessing duty as required by statute  
20                 or rule of the department of local government finance;

21           within the time period prescribed by statute or rule of the department  
22           or within a later time that is necessitated by reason of another official  
23           failing to perform the official's functions in a timely manner.

24           (c) A township with a township trustee-assessor may, with the  
25           consent of the township board, enter into an agreement with:

26                 (1) the county assessor; or

27                 (2) another township assessor in the county;

28           to perform any of the functions of an assessing official. A township  
29           trustee-assessor may not contract for the performance of any function  
30           for a period of time that extends beyond the completion of the township  
31           trustee-assessor's term of office.

32           **(d) In a county having a consolidated city:**

33                 **(1) the county assessor shall perform the functions of an**  
34                 **assessing official and other duties of an assessing official**  
35                 **prescribed by statute in each township in the county,**  
36                 **including assessment duties prescribed by IC 6-1.1; and**

37                 **(2) the controller of the consolidated city or the controller's**  
38                 **designee shall administer the dog tax and township dog fund**  
39                 **as prescribed by IC 15-5-9.**

40           SECTION 132. IC 36-3-1-6.1, AS ADDED BY P.L.227-2005,  
41           SECTION 18, IS AMENDED TO READ AS FOLLOWS  
42           [EFFECTIVE JANUARY 1, 2007]: Sec. 6.1. (a) ~~This section applies~~  
43           ~~only in a county containing a consolidated city. If the requirements of~~  
44           ~~subsection (g) are satisfied, Except as provided in section 6.3 of this~~  
45           ~~chapter, after December 31, 2006, the fire departments of the~~  
46           ~~following are consolidated into the fire department of a consolidated~~  
47           ~~city (referred to as "the consolidated fire department"):~~

(1) A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the **located in a county having a consolidated city.**

(2) Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1): **county having a consolidated city.**

(3) **The territory in which an airport authority established for a consolidated city under IC 8-22-3 may provide fire protection services.**

(b) ~~If the requirements of subsection (g) are satisfied, Except as provided in section 6.3 of this chapter, after December 31, 2006, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: for the entire county.~~

(c) ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, All of the property, equipment, records, rights, and contracts of the department consolidated into the fire department of the consolidated city departments and territories listed in subsection (a) are:~~

(1) transferred to; or

(2) assumed by;

~~the consolidated city. on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located.~~

(d) ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, The employees of the fire department consolidated into the fire department of the consolidated city departments and territories listed in subsection (a) cease employment with the department of the entity departments and territories listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation: after December 31, 2006. The consolidated city shall assume all agreements with labor organizations that:~~

(1) ~~are in effect on the effective date of the consolidation; on December 31, 2006, and that expire on or after January 1, 2007; and~~

(2) ~~apply to employees of the department consolidated into the fire department of the consolidated city departments and territories listed in subsection (a) who become employees of the consolidated fire department.~~

(e) ~~If the requirements of Except as provided in subsection (g) are~~

satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; **(h), the consolidated city shall assume, defease, pay, or refund all the** indebtedness related to fire protection services incurred before the effective date of the consolidation **January 1, 2007**, by:

**(1) the entity departments and territories listed in subsection (a); or**

**(2) a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district. a department or territory listed in subsection (a).**

**(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated After December 31, 2006, the merit board and the merit system of the each fire department that is consolidated are listed in subsection (a) are dissolved, on the effective date of the consolidation; and the duties of the merit boards are transferred to and assumed by the merit board for the consolidated fire department. on the effective date of the consolidation.**

**(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city, the legislative body of the consolidated city may adopt an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city and the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.**

(h) The following apply if the requirements of subsection (g) are satisfied:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in subsection (e) the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (e) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

(1) bonds or other indebtedness described in subsection (e); or  
(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e);

remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) To provide for the payment of the expenses for the operation of the consolidated fire department, the consolidated city may levy property taxes on taxable property located within the area served by the consolidated fire department.

(k) The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department:

(1) within; or

(2) that directly benefit;

the territory of the fire special service district. These amounts are in addition to the amounts levied by the fire special service district



**to fund pension obligations under IC 36-8-7-14.**

~~(3)~~ **(l)** Notwithstanding any other provision, a firefighter:

~~(A)~~ **(1)** who is a member of the 1937 fund before ~~the effective date of a consolidation under this section; January 1, 2007;~~ and

~~(B)~~ **(2)** who, after the consolidation of fire departments under subsection (a), becomes an employee of the consolidated fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

~~(A)~~ is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

~~(B)~~ is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

~~(5)~~ The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

~~(6)~~ **(m)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the for a township located in a county having a consolidated city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect

1 the consolidation.

2 (7) The consolidated city may levy property taxes within the  
 3 consolidated city's maximum permissible ad valorem property tax  
 4 levy limit to provide for the payment of the expenses for the  
 5 operation of the consolidated fire department. However, property  
 6 taxes to fund the pension obligation under IC 36-8-7 for members  
 7 of the 1937 firefighters fund who were employees of the  
 8 consolidated city at the time of the consolidation may be levied  
 9 only by the fire special service district within the fire special  
 10 service district. The fire special service district established under  
 11 IC 36-3-1-6 may levy property taxes to provide for the payment  
 12 of expenses for the operation of the consolidated fire department  
 13 within the territory of the police special service district. Property  
 14 taxes to fund the pension obligation under IC 36-8-8 for members  
 15 of the 1977 police officers' and firefighters pension and disability  
 16 fund who were members of the fire department of the consolidated  
 17 city on the effective date of the consolidation may be levied only  
 18 by the fire special service district within the fire special service  
 19 district. Property taxes to fund the pension obligation for members  
 20 of the 1937 firefighters fund who were not members of the fire  
 21 department of the consolidated city on the effective date of the  
 22 consolidation and members of the 1977 police officers' and  
 23 firefighters pension and disability fund who were not members of  
 24 the fire department of the consolidated city on the effective date  
 25 of the consolidation may be levied by the consolidated city within  
 26 the city's maximum permissible ad valorem property tax levy.  
 27 However, these taxes may be levied only within the fire special  
 28 service district and any townships that have consolidated fire  
 29 departments under this section.

30 (8) The executive of the consolidated city shall provide for an  
 31 independent evaluation and performance audit, due before March  
 32 1 of the year in which the consolidation is effective and for the  
 33 following two (2) years, to determine:

34 (A) the amount of any cost savings, operational efficiencies, or  
 35 improved service levels; and

36 (B) any tax shifts among taxpayers;  
 37 that result from the consolidation. The independent evaluation and  
 38 performance audit must be provided to the legislative council in  
 39 an electronic format under IC 5-14-6 and to the state budget  
 40 committee.

41 (n) For any township that consolidated its fire department with  
 42 the fire department of the consolidated city before January 1, 2007:

43 (1) IC 6-3.5-6-18.5 applies to that consolidation; and  
 44 (2) this section applies to that consolidation to the extent that  
 45 it does not conflict with any consolidation agreement between  
 46 the township and the consolidated city.

47 SECTION 133. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,

SECTION 19, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2006]: Sec. 6.2. ~~(a) If a consolidated fire~~  
~~department is established under section 6.1 of this chapter; After~~  
**December 31, 2006**, the consolidated city, through the consolidated  
 fire department, shall ~~after the consolidation~~ establish, operate, and  
 maintain emergency ambulance services (as defined in IC 16-18-2-107)  
 in the fire special service district and in those townships in the county.  
 that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency  
 ambulance services under an interlocal agreement under IC 36-1-7.

SECTION 134. IC 36-3-1-6.3 IS ADDED TO THE INDIANA  
 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2006]: Sec. 6.3. (a) The consolidated fire  
 department may not provide fire protection services for:

(1) an excluded city; or

(2) a fire protection territory for which an excluded city is a  
 provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under an interlocal  
 agreement under IC 36-1-7 or the conditions in subsection (b) are  
 met.

(b) For the consolidated fire department to provide fire  
 protection services to an excluded city other than under an  
 interlocal agreement under IC 36-1-7, all the following must occur:

(1) The legislative body of the excluded city and the  
 city-county legislative body must adopt substantially similar  
 ordinances authorizing the consolidation of the fire  
 department of the excluded city into the consolidated fire  
 department.

(2) The ordinances described in subdivision (1) must:

(A) specify the effective date of the consolidation; and

(B) set forth the conditions of the consolidation.

(c) After the effective date of the consolidation described in  
 subsection (b), the consolidated fire department shall provide fire  
 protection services within the territory of the excluded city.

(d) After the effective date of the consolidation described in  
 subsection (b), all the property, equipment, records, rights, and  
 contracts of the fire department of the excluded city are  
 transferred to and assumed by the consolidated city.

(e) After the effective date of the consolidation described in  
 subsection (b), the employees of the fire department of the excluded  
 city cease employment with the excluded city and become  
 employees of the consolidated fire department. These employees  
 are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5  
 upon becoming employees of the consolidated fire department. The  
 consolidated city shall assume all agreements with labor  
 organizations that:

(1) are in effect after the effective date of the consolidation described in subsection (b); and

(2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

(f) Except as provided in subsection (h), the consolidated city shall assume, defease, pay, or refund all indebtedness related to fire protection services incurred before the effective date of the consolidation described in subsection (b) by:

(1) an excluded city; or

(2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (b).

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in subsection (f) the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (f) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

(1) indebtedness or bonds; or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in subsection (f);

remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively.

(k) Whenever an excluded city consolidates its fire department

1 into the consolidated fire department under subsection (b), the  
 2 merit board and merit system of the excluded city's fire  
 3 department are dissolved, and the duties of the excluded city's  
 4 merit board are transferred to and assumed by the merit board for  
 5 the consolidated fire department.

6 (l) Whenever an excluded city consolidates its fire department  
 7 into the consolidated fire department under subsection (b), for  
 8 property taxes first due and payable in the calendar year following  
 9 the effective date of the consolidation, the maximum permissible ad  
 10 valorem property tax levy under IC 6-1.1-18.5:

11 (1) is increased for a consolidated city by the amount levied in  
 12 the prior calendar year for fire protection and related services  
 13 by the excluded city; and

14 (2) is reduced for the excluded city by the amount levied in the  
 15 prior calendar year for fire protection and related services by  
 16 the excluded city.

17 (m) Whenever an excluded city consolidates its fire department  
 18 into the consolidated fire department under subsection (b), for  
 19 property taxes first due and payable in the calendar year following  
 20 the effective date of the consolidation, the amount levied under  
 21 IC 6-1.1-41 and IC 36-8-14 in the prior calendar year by the  
 22 excluded city for its cumulative building and equipment fund for  
 23 firefighting and related services is transferred to the consolidated  
 24 city's cumulative building and equipment fund for firefighting and  
 25 related services, and the consolidated city is exempted from the  
 26 requirements of IC 6-1.1-41 and IC 36-8-14 regarding an increase  
 27 to the levy for its cumulative building and equipment fund for  
 28 firefighting and related services.

29 (n) Whenever an excluded city consolidates its fire department  
 30 into the consolidated fire department under subsection (b),  
 31 commencing with the calendar year following consolidation and for  
 32 each year thereafter, the excluded city's monthly distributive share  
 33 of county option income tax revenues distributed under  
 34 IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the  
 35 ordinances adopted under subsection (b), and those revenues shall  
 36 instead be distributed as additional distributive shares to  
 37 Indianapolis/Marion County.

38 SECTION 135. IC 36-3-2-10 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The  
 40 general assembly finds the following:

41 (1) That the tax base of the consolidated city and the county have  
 42 been significantly eroded through the ownership of tangible  
 43 property by separate municipal corporations and other public  
 44 entities that operate as private enterprises yet are exempt or whose  
 45 property is exempt from property taxation.

46 (2) That to restore this tax base and provide a proper allocation of  
 47 the cost of providing governmental services the legislative body

of the consolidated city and county should be authorized to collect payments in lieu of taxes from these public entities.

(3) That the appropriate maximum payments in lieu of taxes would be the amount of the property taxes that would be paid if the tangible property were not subject to an exemption.

(b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Personal property.

(6) Property taxation.

(7) Tangible property.

~~(8) Township assessor.~~

(c) As used in this section, "PILOTS" means payments in lieu of taxes.

(d) As used in this section, "public entity" means any of the following government entities in the county:

(1) An airport authority operating under IC 8-22-3.

(2) A capital improvement board of managers under IC 36-10-9.

(3) A building authority operating under IC 36-9-13.

(4) A wastewater treatment facility.

(e) The legislative body of the consolidated city may adopt an ordinance to require a public entity to pay PILOTS at times set forth in the ordinance with respect to:

(1) tangible property of which the public entity is the owner or the lessee and that is subject to an exemption;

(2) tangible property of which the owner is a person other than a public entity and that is subject to an exemption under IC 8-22-3;

or

(3) both.

The ordinance remains in full force and effect until repealed or modified by the legislative body.

(f) The PILOTS must be calculated so that the PILOTS may be in any amount that does not exceed the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the tangible property described in subsection (e) if the property were not subject to an exemption from property taxation.

(g) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the tangible property described in subsection (e). ~~The township assessors~~ **county assessor** shall assess the tangible property described in subsection (e) as though the property were not subject to an exemption. The public entity shall report the value of personal property in a manner consistent with IC 6-1.1-3.

(h) Notwithstanding any law to the contrary, a public entity is authorized to pay PILOTS imposed under this section from any legally

1 available source of revenues. The public entity may consider these  
2 payments to be operating expenses for all purposes.

3 (i) PILOTS shall be deposited in the consolidated county fund and  
4 used for any purpose for which the consolidated county fund may be  
5 used.

6 (j) PILOTS shall be due as set forth in the ordinance and bear  
7 interest, if unpaid, as in the case of other taxes on property. PILOTS  
8 shall be treated in the same manner as taxes for purposes of all  
9 procedural and substantive provisions of law.

10 (k) PILOTS imposed on a wastewater treatment facility may be paid  
11 only from the cash earnings of the facility remaining after provisions  
12 have been made to pay for current obligations, including:

- 13 (1) operating and maintenance expenses;
- 14 (2) payment of principal and interest on any bonded indebtedness;
- 15 (3) depreciation or replacement fund expenses;
- 16 (4) bond and interest sinking fund expenses; and
- 17 (5) any other priority fund requirements required by law or by any  
18 bond ordinance, resolution, indenture, contract, or similar  
19 instrument binding on the facility.

20 SECTION 136. IC 36-3-2-11 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) As used  
22 in this section, the following terms have the meanings set forth in  
23 IC 6-1.1-1:

- 24 (1) Assessed value.
- 25 (2) Exemption.
- 26 (3) Owner.
- 27 (4) Person.
- 28 (5) Property taxation.
- 29 (6) Real property.
- 30 ~~(7) Township assessor.~~

31 (b) As used in this section, "PILOTS" means payments in lieu of  
32 taxes.

33 (c) As used in this section, "property owner" means the owner of  
34 real property described in IC 6-1.1-10-16.7 that is located in a county  
35 with a consolidated city.

36 (d) Subject to the approval of a property owner, the legislative body  
37 of the consolidated city may adopt an ordinance to require the property  
38 owner to pay PILOTS at times set forth in the ordinance with respect  
39 to real property that is subject to an exemption under IC 6-1.1-10-16.7.  
40 The ordinance remains in full force and effect until repealed or  
41 modified by the legislative body, subject to the approval of the property  
42 owner.

43 (e) The PILOTS must be calculated so that the PILOTS are in an  
44 amount that is:

- 45 (1) agreed upon by the property owner and the legislative body of  
46 the consolidated city;
- 47 (2) a percentage of the property taxes that would have been levied

by the legislative body for the consolidated city and the county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation; and

(3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). The ~~township assessors~~ **county assessor** shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

SECTION 137. IC 36-3-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) An ordinance or resolution passed by a legislative body is considered adopted when it is:

(1) signed by the presiding officer; and

(2) if subject to veto, either approved by the executive or passed over ~~his~~ **the executive's** veto by the legislative body, under section 16 of this chapter.

(b) All ordinances and resolutions of a legislative body are subject to veto, except the following:

~~(1) An ordinance or resolution, or part of either, providing for the budget or appropriating money for an office or officer of the county provided for by the Constitution of Indiana or for a judicial office or officer.~~

~~(2)~~ **(1)** An ordinance or resolution approving or modifying the budget of a political subdivision that the legislative body is permitted by statute to review.

~~(3)~~ **(2)** A resolution making an appointment that the legislative body is authorized to make.

~~(4)~~ **(3)** A resolution selecting officers or employees of the legislative body.

~~(5)~~ **(4)** A resolution prescribing rules for the internal management of the legislative body.

~~(6)~~ **(5)** A zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(c) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published in the manner prescribed by



- 1 IC 5-3-1, unless:
- 2 (1) it is published under subsection (d); or
- 3 (2) there is an urgent necessity requiring its immediate
- 4 effectiveness, the executive proclaims the urgent necessity, and
- 5 copies of the ordinance are posted in three (3) public places in the
- 6 county.
- 7 (d) If a legislative body publishes any of its ordinances in book or
- 8 pamphlet form, no other publication is required. If an ordinance
- 9 prescribing a penalty or forfeiture for a violation is published under this
- 10 subsection, it takes effect two (2) weeks after the publication of the
- 11 book or pamphlet. Publication under this subsection, if authorized by
- 12 the legislative body, constitutes presumptive evidence:
- 13 (1) of the ordinances in the book or pamphlet;
- 14 (2) of the date of adoption of the ordinances; and
- 15 (3) that the ordinances have been properly signed, attested,
- 16 recorded, and approved.
- 17 (e) Unless a legislative body provides in an ordinance or resolution
- 18 for a later effective date, the ordinance or resolution takes effect when
- 19 it is adopted, subject to subsections (c) and (d).
- 20 (f) Subsections (a), (c), (d), and (e) do not apply to zoning
- 21 ordinances or amendments to zoning ordinances, or resolutions
- 22 approving comprehensive plans, that are adopted under IC 36-7.
- 23 SECTION 138. IC 36-3-6-4, AS AMENDED BY P.L.227-2005,
- 24 SECTION 31, IS AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Before the Wednesday
- 26 after the first Monday in July each year, the consolidated city and
- 27 county shall prepare budget estimates for the ensuing budget year under
- 28 this section.
- 29 (b) The following officers shall prepare for their respective
- 30 departments, offices, agencies, or courts an estimate of the amount of
- 31 money required for the ensuing budget year, stating in detail each
- 32 category and item of expenditure they anticipate:
- 33 (1) The director of each department of the consolidated city.
- 34 (2) Each ~~township assessor~~, elected county officer or head of a
- 35 county agency.
- 36 (3) The county clerk, for each court ~~of which he is the clerk~~
- 37 **serves.**
- 38 (c) In addition to the estimates required by subsection (b), the county
- 39 clerk shall prepare an estimate of the amount of money that is, under
- 40 law, taxable against the county for the expenses of cases tried in other
- 41 counties on changes of venue.
- 42 (d) Each officer listed in subsection (b)(2) or (b)(3) shall append a
- 43 certificate to each estimate the officer prepares stating that in the
- 44 officer's opinion the amount fixed in each item will be required for the
- 45 purpose indicated. The certificate must be verified by the oath of the
- 46 officer.
- 47 (e) An estimate for a court or division of a court is subject to

modification and approval by the judge of the court or division.

(f) All of the estimates prepared by city officers and county officers shall be submitted to the controller.

(g) The controller shall also prepare an itemized estimate of city and county expenditures for other purposes above the money proposed to be used by the city departments and county officers and agencies.

SECTION 139. IC 36-3-6-4.1 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 4.1. Notwithstanding IC 36-8-7, the city-county legislative body shall adopt an ordinance under section 7 of this chapter to levy a tax only within the fire special service district in the amount and at the rate necessary to produce sufficient revenue to pay the amounts required to satisfy the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14.**

SECTION 140. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 6. (a) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before January 1, 2007, in the name of:**

- (1) a township;
  - (2) an airport authority;
  - (3) a fire protection territory; or
  - (4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory;
- to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g).

(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation described in IC 36-3-1-6.3(b) by:

- (1) an excluded city; or
- (2) a building, holding, or leasing corporation on behalf of an excluded city;

to satisfy the requirements of IC 36-3-1-6.3(f), IC 36-3-1-6.3(g), and IC 36-3-1-6.3(h).

SECTION 141. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 1.1. Marion County Township Transitional Provisions**

**Sec. 1. This chapter applies only to townships in a county having a consolidated city.**

**Sec. 2. (a) After December 31, 2007, all powers and duties of a township trustee elected at the 2006 general election shall be terminated, except for the trustee's powers and duties regarding township assistance. The trustee shall comply with IC 36-6-4 for the limited purpose of performing the trustee's duties with regard to**

1 township assistance.

2 (b) After December 31, 2007, all powers and duties of a township  
3 legislative body elected at the 2004 general election shall be  
4 terminated, except for the township legislative body's powers and  
5 duties regarding township assistance. The township legislative body  
6 shall comply with IC 36-6-6 for the limited purpose of performing  
7 the township legislative body's duties with regard to township  
8 assistance.

9 (c) After December 31, 2008:

10 (1) township trustees are governed by IC 36-6-4.1; and

11 (2) township boards are governed by IC 36-6-6.1.]

12 (d) Beginning with the general election held in 2008:

13 (1) new township trustees for the township districts shall be  
14 elected under IC 36-6-4.1; and

15 (2) new township boards for the township districts shall be  
16 elected under IC 36-6-6.1.

17 (e) On January 1, 2009:

18 (1) the township boards existing at the time the new township  
19 boards are elected under IC 36-6-6.1 are dissolved; and

20 (2) the township boards elected under IC 36-6-6.1 replace the  
21 township boards that are dissolved under subdivision (1).

22 Sec. 3. (a) A transitional advisory board shall be formed not  
23 later than July 1, 2006, to prepare a report and recommendations  
24 to the township trustees and township boards regarding the  
25 reorganization of townships, including the following:

26 (1) The transfer of residual township functions to appropriate  
27 departments or officers of the consolidated city or county.

28 (2) The provision of township assistance under IC 12-20 and  
29 IC 12-30-4.

30 (3) The transfer of township assessment functions from the  
31 township assessors to the county assessor.

32 (4) The location of township divisions of the small claims  
33 division of the superior court of the county.

34 (b) The transitional advisory board consists of the following  
35 twenty-one (21) members:

36 (1) The nine (9) township trustees in the county holding office  
37 on the date the transitional advisory board is formed.

38 (2) Four (4) individuals appointed by the city executive. One  
39 (1) individual appointed under this subdivision must be an  
40 assessing professional.

41 (3) Four (4) individuals appointed by the city-county  
42 legislative body.

43 (4) Four (4) individuals appointed by the board of  
44 commissioners of the county.

45 (c) Members of the transitional advisory board appointed under  
46 subsection (b)(2), (b)(3), and (b)(4) are not entitled to receive any

1 salary for their service. Members of the board designated under  
 2 subsection (b)(1) are not entitled to any additional salary for their  
 3 service on the board but are entitled to their regular salaries as  
 4 township trustees under IC 36-6-8 until the end of their current  
 5 terms. The board may use the staff and budget of the existing  
 6 trustees to carry out the board's work. Two (2) cochairpersons,  
 7 each of a different political party, shall be elected by the members  
 8 of the board.

9 (d) The transitional advisory board expires not later than  
 10 February 28, 2008.

11 Sec. 4. All assets, property rights, equipment, records,  
 12 personnel, and contracts and all else connected with the provision  
 13 of township assistance under IC 12-20 and IC 12-30-4 by a  
 14 township shall be transferred to the applicable township district on  
 15 January 1, 2009. All other assets, property rights, equipment,  
 16 records, personnel (except as otherwise provided by statute), and  
 17 contracts and all else connected with the township shall be  
 18 transferred to the consolidated city on January 1, 2009. Any  
 19 indebtedness not connected with the provision of township  
 20 assistance that was incurred by a township before the effective date  
 21 of consolidation under this section shall be assumed or defeased by  
 22 the consolidated city, notwithstanding any other provision of law  
 23 requiring completion of certain procedures and approvals for the  
 24 incurrence of indebtedness. However, the indebtedness (or any part  
 25 of the indebtedness) may not be assumed by the consolidated city  
 26 if the assumption would cause the consolidated city to exceed any  
 27 limitation on the amount of indebtedness that may be incurred by  
 28 the consolidated city.

29 Sec. 5. Beginning January 1, 2009, notwithstanding any other  
 30 law to the contrary, for a township located in a county having a  
 31 consolidated city, the township's distributive share of any state or  
 32 local taxes or revenues (other than county option income taxes  
 33 distributed under IC 6-3.5-6-18.5 and property taxes) shall be  
 34 reduced to zero (0) and shall be transferred to the consolidated city.

35 SECTION 142. IC 36-6-4-1 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. This chapter  
 37 applies to all townships **except a township in a county having a**  
 38 **consolidated city.**

39 SECTION 143. IC 36-6-4-2, AS AMENDED BY P.L.88-2005,  
 40 SECTION 16, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as provided in**  
 42 **subsection (d),** a township trustee shall be elected under IC 3-10-2-13  
 43 by the voters of each township. The trustee is the township executive.

44 (b) The township trustee must reside within the township as  
 45 provided in Article 6, Section 6 of the Constitution of the State of  
 46 Indiana. The trustee forfeits office if the trustee ceases to be a resident

1 of the township.

2 (c) **Except as provided in subsection (d)**, the term of office of a  
3 township trustee is four (4) years, beginning January 1 after election  
4 and continuing until a successor is elected and qualified.

5 (d) **This subsection applies to a township in a county having a**  
6 **consolidated city. At the 2006 general election, a township trustee**  
7 **shall be elected under IC 3-10-2-13 by the voters of each township.**  
8 **The term of office of a township trustee elected at the 2006 general**  
9 **election is two (2) years, beginning January 1 after election.**

10 SECTION 144. IC 36-6-4-3, AS AMENDED BY P.L.73-2005,  
11 SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION  
12 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The executive shall do the  
14 following:

- 15 (1) Keep a written record of official proceedings.
- 16 (2) Manage all township property interests.
- 17 (3) Keep township records open for public inspection.
- 18 (4) Attend all meetings of the township legislative body.
- 19 (5) Receive and pay out township funds.
- 20 (6) Examine and settle all accounts and demands chargeable  
21 against the township.
- 22 (7) Administer ~~poor relief~~ *township assistance* under IC 12-20 and  
23 IC 12-30-4.
- 24 (8) Perform the duties of fence viewer under IC 32-26.
- 25 (9) Act as township assessor when required by IC 36-6-5.
- 26 (10) Provide and maintain cemeteries under IC 23-14.
- 27 (11) Provide fire protection under IC 36-8 *except in a township*  
28 *that:*  
29 *(A) is located in a county having a consolidated city; and*  
30 *(B) consolidated the township's fire department under*  
31 *IC 36-3-1-6.1.*
- 32 (12) File an annual personnel report under IC 5-11-13.
- 33 (13) Provide and maintain township parks and community centers  
34 under IC 36-10.
- 35 (14) Destroy detrimental plants, noxious weeds, and rank  
36 vegetation under IC 15-3-4.
- 37 (15) Provide insulin to the poor under IC 12-20-16.
- 38 (16) Perform other duties prescribed by statute.

39 SECTION 145. IC 36-6-4.1 IS ADDED TO THE INDIANA CODE  
40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
41 JANUARY 1, 2008]:

42 **Chapter 4.1. Township Executives in Marion County**

43 **Sec. 1. Subject to IC 36-6-1.1, this chapter applies only to a**  
44 **county having a consolidated city.**

45 **Sec. 2. As used in this chapter, "central township district"**  
46 **means the geographic area that is coterminous with the territory of**  
47 **the board of school commissioners under IC 20-25-3-1 and**

1 IC 20-25-3-2.

2 Sec. 3. As used in this chapter, "consolidated township district"  
3 means the territory of a county having a consolidated city,  
4 excluding the central township district.

5 Sec. 4. As used in this chapter, "executive" refers to the  
6 township trustee of a township district elected under section 7 of  
7 this chapter.

8 Sec. 5. As used in this chapter, "township district" means the:

- 9 (1) central township district; and
- 10 (2) consolidated township district.

11 Sec. 6. As used in this chapter, "township district legislative  
12 body" refers to a township board created under IC 36-6-6.1.

13 Sec. 7. (a) Beginning with the general election held in 2008, a  
14 township trustee shall be elected under IC 3-10-2-13 by the voters  
15 of each township district. The township trustee elected for each  
16 township district is the executive for each township in the township  
17 district.

18 (b) The executive must reside within the township district as  
19 provided in Article 6, Section 6 of the Constitution of the State of  
20 Indiana. The executive forfeits office if the executive ceases to be a  
21 resident of the township district.

22 (c) The term of office of the executive is four (4) years, beginning  
23 January 1 after the executive's election and continuing until a  
24 successor is elected and qualified.

25 Sec. 8. The executive shall do the following:

- 26 (1) Keep a written record of official proceedings.
- 27 (2) Manage all property interests in the township district.
- 28 (3) Keep records of the township district open for public  
29 inspection.
- 30 (4) Attend all meetings of the township district legislative  
31 body.
- 32 (5) Receive and pay out funds of the township district.
- 33 (6) Examine and settle all accounts and demands chargeable  
34 against the township district.
- 35 (7) Provide the assistance required under IC 12-20 and  
36 IC 12-30-4.
- 37 (8) File an annual personnel report under IC 5-11-13.

38 Sec. 9. The executive may do the following:

- 39 (1) Administer oaths when necessary in the discharge of  
40 official duties.
- 41 (2) Appoint an attorney to represent the township district in  
42 any proceeding in which the township district is interested.
- 43 (3) Enter into certain oil and gas leases of township district  
44 property under IC 36-9.
- 45 (4) Personally use a township district vehicle for the  
46 performance of official duties, but only if the use is authorized

1 by the township district legislative body.

2 (5) Exercise other powers granted by statute.

3 **Sec. 10. The executive shall maintain:**

4 (1) a general account showing the total of all township district  
5 receipts and expenditures; and

6 (2) the financial and appropriation record of the township  
7 district, which must include an itemized and accurate account  
8 of the township district's financial affairs.

9 **Sec. 11. (a) For each sum of money received by the executive, the**  
10 **financial and appropriation record must show:**

11 (1) the date the sum of money was received;

12 (2) from whom the sum of money was received; and

13 (3) to what account the sum of money was credited.

14 **(b) For each sum of money paid by the executive, the financial**  
15 **and appropriation record must show:**

16 (1) the date the sum of money was paid;

17 (2) to whom the sum of money was paid;

18 (3) from what account the sum of money was paid; and

19 (4) why the sum of money was paid.

20 **(c) The state board of accounts shall prescribe the form of the**  
21 **financial and appropriation record.**

22 **Sec. 12. (a) Each purchase for a township district by the**  
23 **executive must be made on written order of the executive,**  
24 **certifying that sufficient funds have been appropriated to pay the**  
25 **full price of the purchase. The executive shall issue a warrant and**  
26 **pay for the purchase not later than time of receipt of the county**  
27 **treasurer's first semiannual distribution following the purchase.**

28 **(b) An executive who violates this section commits a Class C**  
29 **infraction and is liable on the executive's official bond for the value**  
30 **of the purchase.**

31 **Sec. 13. (a) The executive may use the township district's share**  
32 **of state, county, and township district tax revenues and federal**  
33 **revenue sharing funds for all categories of community service, if**  
34 **these funds are appropriated for these services by the township**  
35 **district legislative body. The executive may use these funds for both**  
36 **operating and capital expenditures.**

37 **(b) With the consent of the township district legislative body, the**  
38 **executive may contract with corporations for health and**  
39 **community services not specifically provided by another**  
40 **governmental entity.**

41 **Sec. 14. On the first Monday of each August the executive shall**  
42 **post, in a conspicuous place near the executive's office, a verified**  
43 **statement showing the indebtedness of the township district in**  
44 **detail and giving the number and total amount of outstanding**  
45 **orders, warrants, and accounts.**

46 **Sec. 15. (a) At the township district legislative body's annual**

meeting under IC 36-6-6.1-12, the executive shall:

(1) present an itemized written statement of the estimated expenditures for which appropriations are requested, specifying the:

(A) number of teachers employed;

(B) salary of each teacher employed;

(C) property of the township district (and supplies on hand);

(D) estimated value of the property of the township district (and supplies on hand);

(E) supplies necessary for each school; and

(F) need for township assistance in the township district; and

(2) submit to questions from the township district legislative body or taxpayers concerning expenditures of the township district.

(b) The written statement required under subsection (a)(1) must comply with forms prescribed by the state board of accounts and show the amount of each item to be charged against funds of the township district.

Sec. 16. (a) At the annual meeting of the township district legislative body under IC 36-6-6.1-10, the executive shall present a complete report of all receipts and expenditures of the preceding calendar year, including the balance to the credit of each fund controlled by the executive. If the executive controls any money that is not included in a particular fund, the executive shall state all the facts concerning that money in the report.

(b) Each item of expenditure in the report presented under subsection (a) must be accompanied by the verified voucher of the person to whom the sum was paid, stating:

(1) why the payment was made;

(2) that the receipt is for the exact sum received;

(3) that no part of the sum has been retained by the executive; and

(4) that no part of the sum has been or is to be returned to the executive or any other person.

The executive may administer oaths to persons giving these receipts.

(c) The executive shall swear or affirm that:

(1) the report presented under subsection (a) shows all sums received by the executive;

(2) the expenditures credited have been fully paid in the sums stated, without express or implied agreement that any part of the sums is to be retained by or returned to the executive or any other person; and

(3) the executive has received no money or other property in



consideration of any contract entered into or expenditure made on behalf of the township district.

(d) Within ten (10) days after the township district legislative body's action under IC 36-6-6.1-10, the executive shall file a copy of the report presented under subsection (a) and the report's accompanying vouchers, as adopted by the township district legislative body, in the office of the controller of the consolidated city. The township district legislative body may, for the benefit of the township, bring a civil action against the executive if the executive fails to file the report within ten (10) days after the township district legislative body's action. The township district legislative body may recover five dollars (\$5) for each day after the time limit for filing the report, until the report is filed.

Sec. 17. (a) When the executive prepares the annual report required by section 16 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

- (1) showing the sum of money in each fund of the township district at the beginning of the year;
- (2) showing the sum of money received in each fund of the township district during the year;
- (3) showing the sum of money paid from each fund of the township district during the year;
- (4) showing the sum of money remaining in each fund of the township district at the end of the year;
- (5) containing a statement of receipts, showing their source; and
- (6) containing a statement of expenditures showing the combined gross payment, according to classification of expense, to each person.

(b) Not later than four (4) weeks after the annual meeting of the township district legislative body under IC 36-6-6.1-10, the executive shall publish the abstract required by subsection (a) in accordance with IC 5-3-1. The abstract must state that a complete and detailed annual report and the accompanying vouchers showing the names of persons paid money by the township district have been filed with the controller of the consolidated city, and that the chairperson of the township district legislative body has a copy of the report that is available for inspection by any taxpayer of the township district.

(c) An executive who fails to comply with this section commits a Class C infraction.

Sec. 18. When an executive's term of office expires, the executive shall:

- (1) immediately deliver to the new executive custody of all funds and property of the township district, except records

necessary in the preparation of the former executive's annual report under section 16 of this chapter;

(2) deliver to the new executive, not later than the second Monday in the next January, the former executive's annual report and any records the former executive has retained; and

(3) attend the annual meeting of the township district legislative body held under IC 36-6-6.1-10 and submit to inquiries from the township district legislative body concerning the operation of the executive's office during the preceding calendar year.

Sec. 19. (a) If an executive resigns or dies, the executive's personal representative shall immediately deliver to the new executive custody of all funds and property of the township district. The new executive shall then issue a call for a special meeting of the township district legislative body, to be held not more than fifteen (15) days later. At the special meeting the township district legislative body shall:

(1) examine the records of the township district;

(2) inquire into the conduct of the executive's office; and

(3) approve in whole or in part the records, receipts, and expenditures of the township district to the date of the death or resignation of the former executive.

(b) In the new executive's annual report to the township district legislative body required under section 16 of this chapter, the new executive shall distinguish between the new executive's transactions and those of the former executive. The township district legislative body may, at its annual meeting under IC 36-6-6.1-10, review items in the report that were considered at the special meeting.

Sec. 20. An executive is entitled to receive the following:

(1) The executive's salary.

(2) Reimbursement for expenses that are reasonably incurred by the executive for the following:

(A) The operation of the executive's office.

(B) Travel and meals while attending seminars or conferences on township district matters.

(C) A sum for mileage as permitted under IC 36-6-8-3(b).

The executive may not make any other personal use of funds of the township district without prior approval by the township district legislative body.

Sec. 21. (a) Not later than thirty (30) days after taking office, the executive shall designate a person who shall perform the executive's duties whenever the executive is incapable of performing the executive's functions because the executive:

(1) is absent from the township district; or

(2) becomes incapacitated.

The executive shall give notice of the designation to the chairperson

1 of the township district legislative body, the county sheriff, the city  
 2 controller, and any other persons that the executive chooses. The  
 3 designee has all the powers of the executive. The executive is  
 4 responsible for all acts of the designee. The executive may change  
 5 the designee under this section at any time.

6 (b) The designee shall perform the executive's duties until the  
 7 executive is no longer absent from the township district or  
 8 incapacitated.

9 **Sec. 22. The executive may pay township district funds for the**  
 10 **purpose of supporting a drug awareness program that is**  
 11 **implemented in schools.**

12 SECTION 146. IC 36-6-5-1, AS AMENDED BY P.L.240-2005,  
 13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JANUARY 1, 2007]: Sec. 1. (a) **Except as provided in subsection (e)**  
 15 **and section 3 of this chapter**, a township assessor shall be elected  
 16 under IC 3-10-2-13 by the voters of each township having:

- 17 (1) a population of more than eight thousand (8,000); or
- 18 (2) an elected township assessor or the authority to elect a  
 19 township assessor before January 1, 1979.

20 (b) A township assessor shall be elected under IC 3-10-2-14 in each  
 21 township having a population of more than five thousand (5,000) but  
 22 not more than eight thousand (8,000), if the legislative body of the  
 23 township:

- 24 (1) by resolution, declares that the office of township assessor is  
 25 necessary; and
- 26 (2) the resolution is filed with the county election board not later  
 27 than the first date that a declaration of candidacy may be filed  
 28 under IC 3-8-2.

29 (c) A township government that is created by merger under  
 30 IC 36-6-1.5 shall elect only one (1) township assessor under this  
 31 section.

32 (d) The township assessor must reside within the township as  
 33 provided in Article 6, Section 6 of the Constitution of the State of  
 34 Indiana. The assessor forfeits office if the assessor ceases to be a  
 35 resident of the township.

36 (e) The term of office of a township assessor is **the following:**

37 **(1) This subdivision applies to a township assessor of a**  
 38 **township having a consolidated city. The term of a township**  
 39 **assessor who is elected in the 2006 general election is two (2)**  
 40 **years beginning January 1 after election.**

41 **(2) This subdivision applies to a township assessor of a**  
 42 **township not having a consolidated city. The term of a**  
 43 **township assessor is four (4) years, beginning January 1 after**  
 44 **election and continuing until a successor is elected and qualified.**  
 45 **However, the term of office of a township assessor elected at a**  
 46 **general election in which no other township officer is elected ends**  
 47 **on December 31 after the next election in which any other**

1 township officer is elected.

2 SECTION 147. IC 36-6-5-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) This section  
4 applies to ~~townships~~ **a township, other than a township located in a**  
5 **county having a consolidated city**, that ~~do~~ **does** not have an elected or  
6 appointed and qualified township assessor.

7 (b) The township executive shall perform all the duties and has all  
8 the rights and powers of assessor. If a township qualifies under  
9 IC 36-6-5-1 to elect a township assessor, the executive shall continue  
10 to serve as assessor until an assessor is appointed or elected and  
11 qualified.

12 (c) The bond filed by the executive in ~~his~~ **the executive's** capacity  
13 as executive also covers ~~his~~ **the executive's** duties as assessor.

14 SECTION 148. IC 36-6-5-3 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as**  
16 **provided in subsection (b),** the assessor shall perform the duties  
17 prescribed by statute, including:

- 18 (1) assessment duties prescribed by IC 6-1.1; and
- 19 (2) administration of the dog tax and dog fund, as prescribed by  
20 IC 15-5-9.

21 **(b) In a township located in a county having a consolidated city:**

- 22 **(1) there is no township assessor beginning January 1, 2008;**
- 23 **(2) beginning January 1, 2007, the duties of the township**  
24 **assessor prescribed by IC 6-1.1 are performed by the county**  
25 **assessor under IC 36-2-15-5;**
- 26 **(3) beginning January 1, 2007, the duties of the township**  
27 **assessor prescribed by IC 15-5-9 are performed by the**  
28 **controller of the consolidated city or the controller's designee;**  
29 **and**
- 30 **(4) beginning January 1, 2007, township assessors shall**  
31 **perform the duties prescribed by ordinance of the legislative**  
32 **body of the consolidated city.**

33 SECTION 149. IC 36-6-6-1 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. This chapter  
35 applies to all townships **except a township in a county having a**  
36 **consolidated city.**

37 SECTION 150. IC 36-6-6-2, AS AMENDED BY P.L.240-2005,  
38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JANUARY 1, 2009]: Sec. 2. (a) Except as provided in ~~subsection (b)~~  
40 ~~and~~ section 2.1 of this chapter, a three (3) member township board shall  
41 be elected under IC 3-10-2-13 by the voters of each township.

42 ~~(b)~~ **(b)** The township board in a county containing a consolidated city  
43 shall consist of seven (7) members elected under ~~IC 3-10-2-13~~ by the  
44 voters of each township.

45 ~~(c)~~ **(b)** The township board is the township legislative body.

46 ~~(d)~~ **(c)** The term of office of a township board member is four (4)  
47 years, beginning January 1 after election and continuing until a

successor is elected and qualified.

SECTION 151. IC 36-6-6-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2.2. ~~(a) This subsection applies to townships in a county containing a consolidated city. The voters of each legislative body district established under section 2.5 of this chapter shall elect one (1) member of the township board.~~

~~(b) This subsection applies to townships not included in subsection (a).~~ The voters of each township shall elect all the members of the township board.

SECTION 152. IC 36-6-6-3, AS AMENDED BY P.L.240-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. ~~(a) This subsection applies to townships in a county containing a consolidated city. One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.~~

~~(b) (a)~~ This subsection applies to townships not included in subsection ~~(a) or (c): (b).~~ A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

~~(c) (b)~~ This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant.

SECTION 153. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) Except as provided in ~~subsections~~ **subsection** (b), ~~and (c),~~ two (2) members of the legislative body constitute a quorum.

~~(b) Four (4) members of the legislative body in a county containing a consolidated city constitute a quorum.~~

~~(c) (b)~~ This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum. If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

SECTION 154. IC 36-6-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2008]:

**Chapter 6.1. Township Legislative Bodies in Marion County**

**Sec. 1. Subject to IC 36-6-1.1, this chapter applies only in a county having a consolidated city.**

**Sec. 2. The definitions in IC 36-6-4.1 apply to this chapter.**

**Sec. 3. (a) The township board shall serve as the township district legislative body.**

**(b) The township board for the:**

**(1) central township district consists of seven (7) at-large members; and**

**(2) consolidated township district consists of nine (9) at-large members.**

**(c) Beginning with the general election held in 2008, all members of the township boards shall be elected under IC 3-10-2-13 by the voters of each township district.**

**(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.**

**Sec. 4. A member of the legislative body must reside within the township district. If a member of the legislative body ceases to be a resident of the township district from which the member was elected, the office becomes vacant.**

**Sec. 5. (a) Four (4) members of the legislative body for the central township district constitute a quorum.**

**(b) Five (5) members of the legislative body for the consolidated township district constitute a quorum.**

**Sec. 6. The legislative body may adjourn a meeting from day to day until the business of the legislative body is completed.**

**Sec. 7. A taxpayer of the township district may appear at any meeting of the legislative body and be heard as to:**

**(1) an estimate of expenditures;**

**(2) a proposed levy of taxes;**

**(3) the approval of the executive's annual report; or**

**(4) any other matter being considered by the legislative body.**

**Sec. 8. (a) The legislative body shall meet at the office of the executive on the first Tuesday after the first Monday in January of each year. At this meeting the legislative body shall elect one (1) member as chairperson and one (1) member as secretary for that year.**

**(b) If a newly elected legislative body holds a special meeting before the first Tuesday after the first Monday in the January following its election, the legislative body shall elect a chairperson and a secretary before conducting any other business. The chairperson and secretary elected at the special meeting retain those positions until the first Tuesday after the first Monday in January of the year following the special meeting.**

1       **Sec. 9. The legislative body shall keep a permanent record of its**  
 2 **proceedings in a book furnished by the executive. The secretary of**  
 3 **the legislative body shall, under the direction of the legislative**  
 4 **body, record the minutes of the proceedings of each meeting in full**  
 5 **and shall provide copies of the minutes to each member of the**  
 6 **legislative body before the next meeting is convened. After the**  
 7 **minutes are approved by the legislative body, the secretary of the**  
 8 **legislative body shall place the minutes in the permanent record**  
 9 **book. The chairperson of the legislative body shall retain the record**  
 10 **in the chairperson's custody.**

11       **Sec. 10. (a) The legislative body shall meet on or before the third**  
 12 **Tuesday after the first Monday in January of each year. At this**  
 13 **meeting the legislative body shall consider and approve, in whole**  
 14 **or in part, the annual report of the executive presented under**  
 15 **IC 36-6-4.1-15.**

16       **(b) The legislative body may send for persons, books, and papers**  
 17 **necessary in the examination of the annual report. A member may**  
 18 **administer oaths necessary in the examination of the annual report.**

19       **(c) Any sum in the control of the executive that remains**  
 20 **unexpended and is subject to no liability shall be credited in favor**  
 21 **of the fund for which it was appropriated.**

22       **(d) Any fund expended, in whole or in part, for a purpose for**  
 23 **which it was not appropriated shall be considered unexpended and**  
 24 **in the control of the executive, who is liable on the executive's bond**  
 25 **for such an expenditure.**

26       **(e) When the legislative body completes its examination of the**  
 27 **annual report, the legislative body shall take action on the annual**  
 28 **report, specifying the parts of the annual report that are altered or**  
 29 **disallowed. The annual report remains under the control of the**  
 30 **legislative body and in custody of the chairperson of the legislative**  
 31 **body, who shall keep it open to inspection by taxpayers of the**  
 32 **township district.**

33       **Sec. 11. (a) The legislative body shall fix the:**

34           **(1) salaries;**

35           **(2) wages;**

36           **(3) rates of hourly pay; and**

37           **(4) remuneration other than statutory allowances;**

38 **of all officers and employees of the township district.**

39       **(b) Subject to subsection (c), the legislative body may reduce the**  
 40 **salary of an elected or appointed official. However, the official is**  
 41 **entitled to a salary that is not less than the salary fixed for the first**  
 42 **year of the term of office that immediately preceded the current**  
 43 **term of office.**

44       **(c) The legislative body may not alter the salaries of elected or**  
 45 **appointed officers during the fiscal year for which they are fixed,**  
 46 **but the legislative body may add or eliminate any other position**

1 and change the salary of any other employee, if the necessary funds  
2 and appropriations are available.

3 (d) If a change in the mileage allowance paid to state officers and  
4 employees is established by July 1 of any year, that change shall be  
5 included in the compensation fixed for the executive under this  
6 section and take effect January 1 of the next year. However, the  
7 legislative body may by ordinance provide for the change in the  
8 sum per mile to take effect before January 1 of the next year.

9 (e) The legislative body may not reduce the salary of the  
10 executive without the consent of the executive during the term of  
11 office of the executive as set forth in IC 36-6-4.1-7.

12 (f) This subsection applies when an executive dies or resigns  
13 from office. The person filling the vacancy of the executive shall  
14 receive at least the same salary the previous executive received for  
15 the remainder of the unexpired term of office of the executive (as  
16 set forth in IC 36-6-4.1-7), unless the person consents to a reduction  
17 in salary.

18 Sec. 12. (a) The legislative body shall meet annually in  
19 accordance with IC 6-1.1-17 to adopt the annual budget of the  
20 district.

21 (b) The legislative body shall consider the estimates of  
22 expenditures made by the executive under IC 36-6-4.1-15 and may  
23 approve or reject all or part of any estimate or any item within an  
24 estimate. The legislative body may require the executive to further  
25 itemize an estimate not sufficiently itemized.

26 (c) The legislative body may not appropriate for any purpose an  
27 amount more than the executive's estimate of the amount required  
28 for that purpose.

29 (d) The legislative body shall include in the budget:

30 (1) provisions for the payment of existing debt of the township  
31 district as it becomes due; and

32 (2) the salaries fixed under section 11 of this chapter.

33 (e) In making levies for the general fund of the township district,  
34 the legislative body may include an amount not more than the  
35 amount necessary to compensate its members for their services  
36 during the year for which the levies are made.

37 (f) After the legislative body has taken action on the executive's  
38 estimates, it shall levy taxes for the township district funds on  
39 property in the township district and fix rates of taxation sufficient  
40 to provide that revenue during the next year.

41 (g) On the assessment date (as defined by IC 6-1.1-1-2), the rates  
42 of taxation adopted under this section become a levy and a lien on  
43 all taxable property in the township district, including property in  
44 municipalities in the township district. The levy constitutes an  
45 appropriation for the specific items in the executive's estimates.

46 Sec. 13. (a) The legislative body may appropriate money for



1 membership of the township district in county, state, or national  
2 associations that:

3 (1) are of a civic, an educational, or a governmental nature;  
4 and

5 (2) have as a purpose the improvement of township or  
6 township district governmental operations.

7 The township district representatives may participate in the  
8 activities of these associations, and the legislative body may  
9 appropriate money to defray the expenses of township district  
10 representatives in connection with these activities.

11 (b) Each representative of the township district attending any  
12 meeting, conference, seminar, or convention approved by the  
13 executive shall be reimbursed for all necessary and legitimate  
14 expenses incurred while representing the township district.  
15 Expenses shall be paid to each representative in accordance with  
16 the reimbursement policy of the township district, which may  
17 include an established per diem rate, as recommended by the  
18 executive and adopted by the legislative body.

19 Sec. 14. (a) A special meeting may be held by the legislative body  
20 if the executive, the chairperson of the legislative body, or a  
21 majority of the members of the legislative body issue a written  
22 notice of the meeting to each member of the legislative body. The  
23 notice must state the date, time, place, and purpose of the meeting.

24 (b) At the special meeting, if a majority of the members give  
25 their consent, the legislative body may determine whether there is  
26 an emergency requiring the expenditure of money not included in  
27 the budget estimates and levy of the township district. Subject to  
28 section 15 of this chapter, if the legislative body finds that such an  
29 emergency exists, it may issue a special order, entered and signed  
30 on the record, authorizing the executive to borrow a specified  
31 amount of money sufficient to meet the emergency. At the  
32 legislative body's next annual session, the legislative body shall  
33 cover the debt created by making a levy to the credit of the fund for  
34 which the amount was borrowed under this subsection.

35 Sec. 15. (a) If the legislative body issues a special order under  
36 section 14 of this chapter authorizing the executive to borrow  
37 money, not less than ten (10) taxpayers in the township district who  
38 disagree with the special order may file a petition in the office of  
39 the controller of the consolidated city not more than thirty (30)  
40 days after notice of the special order is given. The petition must  
41 state the taxpayers' objections and the reasons why the taxpayers  
42 believe the special order is unnecessary or unwise.

43 (b) The controller of the consolidated city shall immediately  
44 certify a copy of the petition, together with other data necessary to  
45 present the questions involved, to the department of local  
46 government finance. Upon receipt of the certified petition and

1 other data, the department of local government finance shall fix a  
 2 date, time, and place for the hearing of the matter. The hearing  
 3 must be held not less than five (5) and not more than thirty (30)  
 4 days after the receipt of the certified documents.

5 (c) The hearing must be held in the township district where the  
 6 petition arose.

7 (d) Notice of the hearing shall be given by the department of  
 8 local government finance to the township district and to the first  
 9 ten (10) taxpayer petitioners listed on the petition by letter. The  
 10 letter shall be sent to the first ten (10) taxpayer petitioners at each  
 11 taxpayer's usual place of residence at least five (5) days before the  
 12 date of the hearing.

13 (e) A:

14 (1) taxpayer who signed a petition filed under subsection (a);  
 15 or

16 (2) township district against which a petition under subsection  
 17 (a) is filed;

18 may petition for judicial review of the final determination of the  
 19 department of local government finance under subsection (a). The  
 20 petition must be filed in the tax court not more than forty-five (45)  
 21 days after the date of the department's final determination.

22 Sec. 16. (a) If the legislative body finds that an emergency  
 23 requires the borrowing of money to meet the current expenses of  
 24 the township district, the legislative body may take out temporary  
 25 loans in an amount not more than fifty percent (50%) of the total  
 26 anticipated revenue for the remainder of the year in which the  
 27 loans are taken out.

28 (b) The legislative body must authorize the temporary loans by  
 29 a resolution:

30 (1) stating the nature of the consideration for the loans;

31 (2) stating the date the loans are payable;

32 (3) stating the place the loans are payable;

33 (4) stating a rate of interest;

34 (5) stating the anticipated revenues on which the loans are  
 35 based and out of which they are payable; and

36 (6) appropriating a sufficient amount of the anticipated  
 37 revenues on which the loans are based and out of which they  
 38 are payable for the payment of the loans.

39 (c) The loans must be evidenced by time warrants of the  
 40 township district stating:

41 (1) the nature of the consideration;

42 (2) the date payable;

43 (3) the place payable; and

44 (4) the anticipated revenues on which they are based and out  
 45 of which they are payable.

46 SECTION 155. IC 36-6-8-1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as**  
 2 **provided in subsection (b), this chapter applies to all townships.**

3 **(b) Sections 5, 6, 9, 10, and 11 of this chapter do not apply to a**  
 4 **township located in a county having a consolidated city.**

5 SECTION 156. IC 36-6-8-10 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The  
 7 county fiscal body shall, in the manner prescribed by IC 36-2-5 or  
 8 IC 36-2-6, fix and appropriate money to pay the per diem established  
 9 under section 5 of this chapter and the salaries and per diems of the  
 10 county's township assessors and any deputies or other employees that  
 11 assist the elected township assessor.

12 (b) Each township assessor shall file the budget estimate required by  
 13 IC 36-2-5-5. ~~or IC 36-3-6-4.~~ The budget estimate filed under this  
 14 subsection must include all estimated expenses of the office, including  
 15 costs incurred through litigation for the office.

16 (c) If the township executive is performing the duties of assessor, the  
 17 county fiscal body shall appropriate money for the purposes of  
 18 subsection (a) and other expenses of acting as assessor, including all  
 19 costs incurred through litigation for the office. However, it may not  
 20 provide a salary that is below the amount fixed for that salary for the  
 21 year 1984.

22 SECTION 157. IC 36-7-11.2-11 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. As used in  
 24 this chapter, "notice" means written notice:

25 (1) served personally upon the person, official, or office entitled  
 26 to the notice; or

27 (2) served upon the person, official, or office by placing the notice  
 28 in the United States mail, first class postage prepaid, properly  
 29 addressed to the person, official, or office. Notice is considered  
 30 served if mailed in the manner prescribed by this subdivision  
 31 properly addressed to the following:

32 (A) The governor, both to the address of the governor's official  
 33 residence and to the governor's executive office in  
 34 Indianapolis.

35 (B) The Indiana department of transportation, to the  
 36 commissioner.

37 (C) The department of natural resources, both to the director of  
 38 the department and to the director of the department's division  
 39 of historic preservation and archeology.

40 (D) The department of metropolitan development.

41 (E) An occupant, to:

42 (i) the person by name; or

43 (ii) if the name is unknown, to the "Occupant" at the address  
 44 of the Meridian Street or bordering property occupied by the  
 45 person.

46 (F) An owner, to the person by the name shown to be the name  
 47 of the owner, and at the person's address, as the address

appears in the records in the bound volumes of the most recent real estate tax assessment records as the records appear in the offices of the ~~township assessors~~ **county assessor** in Marion County.

(G) A neighborhood association or the society, to the organization at the latest address as shown in the records of the commission.

SECTION 158. IC 36-7-11.2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. (a) A person who has filed a petition under section 56 or 57 of this chapter shall, not later than ten (10) days after the filing, serve notice upon all interested parties. The notice must state the following:

(1) The full name and address of the following:

(A) The petitioner.

(B) Each attorney acting for and on behalf of the petitioner.

(2) The street address of the Meridian Street and bordering property for which the petition was filed.

(3) The name of the owner of the property.

(4) The full name and address of, and the type of business, if any, conducted by:

(A) each person who at the time of the filing is a party to; and

(B) each person who is a disclosed or an undisclosed principal for whom the party was acting as agent in entering into;

a contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement of any kind or nature concerning the subject property or the present or future ownership, use, occupancy, possession, or development of the subject property.

(5) A description of the contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement sufficient to disclose the full nature of the interest of the party or of the party's principal in the subject property or in the present or future ownership, use, occupancy, possession, or development of the subject property.

(6) A description of the proposed use for which the rezoning or zoning variance is sought, sufficiently detailed to appraise the notice recipient of the true character, nature, extent, and physical properties of the proposed use.

(7) The date of the filing of the petition.

(8) The date, time, and place of the next regular meeting of the commission if a petition is for approval of a zoning variance. If a petition is filed with the development commission, the notice does not have to specify the date of a hearing before the commission or the development commission. However, the person filing the petition shall give ten (10) days notice of the date, time, and place of a hearing before the commission on the petition after the referral of the petition to the commission by the development

1 commission.

2 (b) For purposes of giving notice to the interested parties who are  
3 owners, the records in the bound volumes of the recent real estate tax  
4 assessment records as the records appear in the offices of the ~~township~~  
5 ~~assessors~~ **county assessor** as of the date of filing are considered  
6 determinative of the persons who are owners.

7 SECTION 159. IC 36-7-15.1-32 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 32. (a) The  
9 commission must establish a program for housing. The program, which  
10 may include such elements as the commission considers appropriate,  
11 must be adopted as part of a redevelopment plan or amendment to a  
12 redevelopment plan, and must establish an allocation area for purposes  
13 of sections 26 and 35 of this chapter for the accomplishment of the  
14 program.

15 (b) The notice and hearing provisions of sections 10 and 10.5 of this  
16 chapter apply to the resolution adopted under subsection (a). Judicial  
17 review of the resolution may be made under section 11 of this chapter.

18 (c) Before formal submission of any housing program to the  
19 commission, the department shall consult with persons interested in or  
20 affected by the proposed program and provide the affected  
21 neighborhood associations, residents, and ~~township assessors~~ **the**  
22 **county assessor** with an adequate opportunity to participate in an  
23 advisory role in planning, implementing, and evaluating the proposed  
24 program. The department may hold public meetings in the affected  
25 neighborhood to obtain the views of neighborhood associations and  
26 residents.

27 SECTION 160. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,  
28 SECTION 39, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) This chapter applies to  
30 pension benefits for members of fire departments hired before May 1,  
31 1977, in units for which a 1937 fund was established before May 1,  
32 1977.

33 (b) A firefighter with twenty (20) years of service is covered by this  
34 chapter and not by IC 36-8-8 if the firefighter:

- 35 (1) was hired before May 1, 1977;
- 36 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,  
37 1981); and
- 38 (3) is rehired after April 30, 1977, by the same employer.

39 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if  
40 the firefighter:

- 41 (1) was hired before May 1, 1977;
- 42 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,  
43 1981);
- 44 (3) was rehired after April 30, 1977, but before February 1, 1979;  
45 and
- 46 (4) was made, before February 1, 1979, a member of a 1937 fund.

47 (d) A firefighter who:

1 (1) is covered by this chapter before a consolidation under  
 2 ~~IC 36-3-1-6.1~~, **January 1, 2007**; and

3 (2) **after December 31, 2006**, becomes a member of a fire  
 4 department of a consolidated city under IC 36-3-1-6.1;  
 5 is covered by this chapter after ~~the effective date of the consolidation~~,  
 6 **December 31, 2006**, and the firefighter's service as a member of a fire  
 7 department of a consolidated city is considered active service under this  
 8 chapter.

9 SECTION 161. IC 36-8-7-4, AS AMENDED BY P.L.227-2005,  
 10 SECTION 40, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) If a unit has less than  
 12 five (5) members in its fire department, the unit may provide for the  
 13 organization of a local board consisting of the fire chief, the executive  
 14 of the unit, and one (1) member of the fire department.

15 (b) The trustee from the fire department shall be elected under this  
 16 section.

17 (c) The local board may amend the bylaws of the fund to elect the  
 18 trustee from the fire department in an election held on any three (3)  
 19 consecutive days in February specified in the bylaws. The election shall  
 20 be called by the fire chief and held at the house or quarters of the fire  
 21 department. Subject to this section, the election shall be conducted in  
 22 the manner specified in the bylaws.

23 (d) This subsection applies only if the local board does not elect to  
 24 be governed by subsection (c). The trustee from the fire department  
 25 shall be elected at a meeting held on the second Monday in February  
 26 each year. The meeting shall be called by the fire chief and held at the  
 27 house or quarters of the fire department.

28 (e) The term of the elected trustee is one (1) year beginning  
 29 immediately after the trustee's election.

30 (f) Each member of the department is entitled to one (1) ballot and  
 31 the person receiving the highest number of votes is elected. The  
 32 executive of the unit, the fire chief, and the city or county clerk shall  
 33 canvass and count the ballots, and the clerk shall issue a certificate of  
 34 election to the person having received the highest number of votes. If  
 35 two (2) persons have received the same number of votes, the executive  
 36 and the chief shall immediately determine by lot who will be the trustee  
 37 from the persons receiving an equal number of votes.

38 ~~(g) This section does not apply to a township if the fire department~~  
 39 ~~of the township is consolidated under IC 36-3-1-6.1.~~

40 SECTION 162. IC 36-8-7-5, AS AMENDED BY P.L.227-2005,  
 41 SECTION 41, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) An election shall be  
 43 held each year under this section to elect one (1) trustee from the active  
 44 members of the fire department for a term of four (4) years,  
 45 commencing on the day of his election. The fire chief shall fix a time  
 46 for holding a convention to nominate candidates for trustees to be  
 47 elected at each election. Each convention must be held at least five (5)

1 days before the day on which the annual election is held. A convention  
2 consists of one (1) delegate from each fire company and one (1)  
3 delegate to be selected by the chief and the chief's assistants. The  
4 delegate from each fire company shall be elected by ballot by the  
5 members of the company at a time to be fixed by the chief in the call  
6 for a convention. The election of delegates shall be certified by the  
7 captain or other officer of the company, or, if there is not an officer  
8 present, then by the oldest member of the company present. The  
9 convention, when assembled, shall nominate six (6) members of the fire  
10 department to be voted upon as trustees, and the delegates shall report  
11 the names of the persons nominated as candidates to their respective  
12 companies in writing.

13 (b) The local board may amend the bylaws of the fund to elect the  
14 trustee from the active members of the fire department in an election  
15 held on any three (3) consecutive days in February specified in the  
16 bylaws. The election shall be called by the fire chief and held at the  
17 house or quarters of the respective companies of the fire department.  
18 Subject to this section, the election shall be conducted in the manner  
19 specified in the bylaws.

20 (c) This subsection applies only if the local board does not elect to  
21 be governed by subsection (b). The election shall be held at the houses  
22 or quarters of the respective companies on the second Monday in  
23 February between 9 a.m. and 6 p.m.

24 (d) Each member of a fire company is entitled to one (1) ballot, and  
25 the ballot may not contain the names of more than one (1) person,  
26 chosen from the six (6) persons nominated by the convention. The  
27 candidate receiving the highest number of votes is elected.

28 (e) The captain or other officer in command of each of the fire  
29 companies, immediately after the casting of all ballots, shall canvass  
30 and count the ballots. The captain or other officer shall certify in  
31 writing the total number of ballots cast and the number of votes  
32 received by each candidate for the office of trustee. After signing the  
33 certificate, the officer shall enclose it, together with all the ballots cast  
34 by the fire company, in an envelope, securely sealed and addressed, and  
35 deliver them to the fire chief. The fire chief shall deliver them to the  
36 executive of the unit as soon as the chief receives all the certificates and  
37 ballots. Upon receipt the executive shall, in the presence of the chief  
38 and the clerk of the unit, open the envelopes, examine the certificates,  
39 and determine the total number of votes cast for each of the candidates.  
40 The executive shall then issue a certificate of election to the candidate  
41 having received the highest number of votes. If two (2) or more  
42 candidates have received the same number of votes, the executive and  
43 the chief shall immediately determine by lot who will be trustee from  
44 the persons receiving an equal number of votes. An election may not be  
45 set aside for lack of formality in balloting by the members or in  
46 certifying or transmitting the returns of an election by the officers in  
47 charge.

1        ~~(f) This section does not apply to a township if the fire department~~  
 2        ~~of the township is consolidated under IC 36-3-1-6.1.~~

3        SECTION 163. IC 36-8-7-6, AS AMENDED BY P.L.227-2005,  
 4        SECTION 42, IS AMENDED TO READ AS FOLLOWS  
 5        [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) An election shall be  
 6        held under this section every two (2) years to elect one (1) trustee from  
 7        the retired members of the fire department for a term of two (2) years,  
 8        commencing on the day of the trustee's election, if the retired list  
 9        contains at least three (3) retired members at the time of election. The  
 10       fire chief shall fix a time for holding a convention to nominate  
 11       candidates for trustee to be elected at each election. Each convention  
 12       must be held at least fifteen (15) days before the day on which the  
 13       biennial election is held. All retired members of the fire department  
 14       may participate in the convention. The convention, when assembled,  
 15       shall nominate not more than four (4) members of the retired list to be  
 16       voted upon as trustee. The secretary of the board shall mail the names  
 17       of the persons nominated along with an official ballot to the retired  
 18       members within forty-eight (48) hours of the end of the convention.

19       (b) The election shall be conducted by mail. Each retired member is  
 20       entitled to cast one (1) ballot by mail and the ballot may not contain  
 21       more than one (1) name, chosen from the list of retired persons  
 22       nominated by the convention. The candidate receiving the highest  
 23       number of votes by 6 p.m. on the second Monday in February or an  
 24       alternative date in February specified in the bylaws of the fund is  
 25       elected.

26       (c) The ballots must remain closed and inviolate until the close of  
 27       the election, at which time, in the presence of the executive of the unit,  
 28       the fire chief, and the clerk of the unit, the ballots shall be opened and  
 29       counted. A certificate of election shall be issued to the candidate  
 30       receiving the highest number of votes. If two (2) or more candidates  
 31       receive the same number of votes, the executive and the chief shall  
 32       immediately determine by lot who will be trustee from the persons  
 33       receiving an equal number of votes.

34       ~~(d) This section does not apply to a township if the fire department~~  
 35       ~~of the township is consolidated under IC 36-3-1-6.1.~~

36       SECTION 164. IC 36-8-7-6.5, AS AMENDED BY P.L.227-2005,  
 37       SECTION 43, IS AMENDED TO READ AS FOLLOWS  
 38       [EFFECTIVE JANUARY 1, 2007]: Sec. 6.5. (a) All ballots voted  
 39       under this chapter shall be secured until the balloting is closed.

40       (b) Tampering with a ballot for an election under this chapter is a  
 41       Class A infraction.

42       ~~(c) This section does not apply to a township if the fire department~~  
 43       ~~of the township is consolidated under IC 36-3-1-6.1.~~

44       SECTION 165. IC 36-8-7-7, AS AMENDED BY P.L.227-2005,  
 45       SECTION 44, IS AMENDED TO READ AS FOLLOWS  
 46       [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) The fire chief is the  
 47       president of the local board.



(b) At the first meeting after each election, the local board shall elect a secretary, who may be chosen from among the trustees. However, the local board may consider it proper to have a secretary who is a member of the fire department, to be elected by the companies for a term of four (4) years in the same manner as the election for trustees. The secretary shall keep a full record of all the proceedings of the local board in a book provided for that purpose.

(c) The local board shall make all rules necessary for the discharge of its duties and shall hear and determine all applications for relief or pensions under this chapter.

~~(d) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 166. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before ~~the effective date of consolidation~~ **January 1, 2007**, and, **after December 31, 2006**, becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 **or IC 36-3-1-6.3**; ~~provided that however~~, the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after ~~the effective date of the consolidation~~ **December 31, 2006**, by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before

the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and (8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 167. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

**(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:**

**(A) before the date the consolidation is effective, the local board described in IC 36-8-7-3; and**

**(B) on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.**

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d),** if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

**(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:**

**(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

1           **(2) on and after the effective date of the consolidation, the**  
 2           **local board of the consolidated city established under**  
 3           **IC 36-8-7-3.**

4           SECTION 168. IC 36-8-8-7, AS AMENDED BY P.L.227-2005,  
 5           SECTION 48, IS AMENDED TO READ AS FOLLOWS  
 6           [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) Except as provided in  
 7           subsections (d), (e), (f), (g), (h), (k), (l), **and** (m): ~~and (n):~~

8           (1) a police officer; or

9           (2) a firefighter;

10          who is less than thirty-six (36) years of age and who passes the baseline  
 11          statewide physical and mental examinations required under section 19  
 12          of this chapter shall be a member of the 1977 fund and is not a member  
 13          of the 1925 fund, the 1937 fund, or the 1953 fund.

14          (b) A police officer or firefighter with service before May 1, 1977,  
 15          who is hired or rehired after April 30, 1977, may receive credit under  
 16          this chapter for service as a police officer or firefighter prior to entry  
 17          into the 1977 fund if the employer who rehires the police officer or  
 18          firefighter chooses to contribute to the 1977 fund the amount necessary  
 19          to amortize the police officer's or firefighter's prior service liability over  
 20          a period of not more than forty (40) years, the amount and the period  
 21          to be determined by the PERF board. If the employer chooses to make  
 22          the contributions, the police officer or firefighter is entitled to receive  
 23          credit for the police officer's or firefighter's prior years of service  
 24          without making contributions to the 1977 fund for that prior service. In  
 25          no event may a police officer or firefighter receive credit for prior years  
 26          of service if the police officer or firefighter is receiving a benefit or is  
 27          entitled to receive a benefit in the future from any other public pension  
 28          plan with respect to the prior years of service.

29          (c) Except as provided in section 18 of this chapter, a police officer  
 30          or firefighter is entitled to credit for all years of service after April 30,  
 31          1977, with the police or fire department of an employer covered by this  
 32          chapter.

33          (d) A police officer or firefighter with twenty (20) years of service  
 34          does not become a member of the 1977 fund and is not covered by this  
 35          chapter, if the police officer or firefighter:

36               (1) was hired before May 1, 1977;

37               (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 38               of which were repealed September 1, 1981); and

39               (3) is rehired after April 30, 1977, by the same employer.

40          (e) A police officer or firefighter does not become a member of the  
 41          1977 fund and is not covered by this chapter if the police officer or  
 42          firefighter:

43               (1) was hired before May 1, 1977;

44               (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 45               of which were repealed September 1, 1981);

46               (3) was rehired after April 30, 1977, but before February 1, 1979;  
 47               and

- 1 (4) was made, before February 1, 1979, a member of a 1925,  
2 1937, or 1953 fund.
- 3 (f) A police officer or firefighter does not become a member of the  
4 1977 fund and is not covered by this chapter if the police officer or  
5 firefighter:  
6 (1) was hired by the police or fire department of a unit before May  
7 1, 1977;  
8 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
9 of which were repealed September 1, 1981);  
10 (3) is rehired by the police or fire department of another unit after  
11 December 31, 1981; and  
12 (4) is made, by the fiscal body of the other unit after December  
13 31, 1981, a member of a 1925, 1937, or 1953 fund of the other  
14 unit.
- 15 If the police officer or firefighter is made a member of a 1925, 1937, or  
16 1953 fund, the police officer or firefighter is entitled to receive credit  
17 for all the police officer's or firefighter's years of service, including  
18 years before January 1, 1982.
- 19 (g) As used in this subsection, "emergency medical services" and  
20 "emergency medical technician" have the meanings set forth in  
21 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:  
22 (1) is employed by a unit that is participating in the 1977 fund;  
23 (2) was employed as an emergency medical technician by a  
24 political subdivision wholly or partially within the department's  
25 jurisdiction;  
26 (3) was a member of the public employees' retirement fund during  
27 the employment described in subdivision (2); and  
28 (4) ceased employment with the political subdivision and was  
29 hired by the unit's fire department due to the reorganization of  
30 emergency medical services within the department's jurisdiction;  
31 shall participate in the 1977 fund. A firefighter who participates in the  
32 1977 fund under this subsection is subject to sections 18 and 21 of this  
33 chapter.
- 34 (h) A police officer or firefighter does not become a member of the  
35 1977 fund and is not covered by this chapter if the individual was  
36 appointed as:  
37 (1) a fire chief under a waiver under IC 36-8-4-6(c); or  
38 (2) a police chief under a waiver under IC 36-8-4-6.5(c);  
39 unless the executive of the unit requests that the 1977 fund accept the  
40 individual in the 1977 fund and the individual previously was a member  
41 of the 1977 fund.
- 42 (i) A police matron hired or rehired after April 30, 1977, and before  
43 July 1, 1996, who is a member of a police department in a second or  
44 third class city on March 31, 1996, is a member of the 1977 fund.
- 45 (j) A park ranger who:  
46 (1) completed at least the number of weeks of training at the  
47 Indiana law enforcement academy or a comparable law

1 enforcement academy in another state that were required at the  
2 time the park ranger attended the Indiana law enforcement  
3 academy or the law enforcement academy in another state;

4 (2) graduated from the Indiana law enforcement academy or a  
5 comparable law enforcement academy in another state; and

6 (3) is employed by the parks department of a city having a  
7 population of more than one hundred twenty thousand (120,000)  
8 but less than one hundred fifty thousand (150,000);

9 is a member of the fund.

10 (k) Notwithstanding any other provision of this chapter, a police  
11 officer or firefighter:

12 (1) who is a member of the 1977 fund before a consolidation  
13 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

14 (2) whose employer is consolidated into the **consolidated law**  
15 **enforcement department or the** fire department of a  
16 consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or**  
17 **IC 36-3-1-6.3;** and

18 (3) who, after the consolidation, becomes an employee of the  
19 consolidated law enforcement department or the consolidated fire  
20 department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or**  
21 **IC 36-3-1-6.3;**

22 is a member of the 1977 fund without meeting the requirements under  
23 sections 19 and 21 of this chapter.

24 (l) Notwithstanding any other provision of this chapter, a police  
25 officer or firefighter who:

26 (1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1,  
27 provides law enforcement services or fire protection services for  
28 an entity in a consolidated city;

29 (2) has the provision of those services consolidated into the  
30 **consolidated law enforcement department or the** fire  
31 department of a consolidated city **under IC 36-3-1-5.1 or**  
32 **IC 36-3-1-6.1;** and

33 (3) after the consolidation, becomes an employee of the  
34 consolidated law enforcement department or the consolidated fire  
35 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

36 is a member of the 1977 fund without meeting the requirements under  
37 sections 19 and 21 of this chapter.

38 (m) A police officer or firefighter who is a member of the 1977 fund  
39 under subsection (k) or (l):

40 (1) may not be:

41 ~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

42 ~~(2)~~ (B) disabled for purposes of section 12 of this chapter;  
43 solely because of a change in employer under the consolidation;  
44 **and**

45 (2) **shall receive credit for all years of service as a member of**  
46 **the 1977 fund before the consolidation described in subsection**  
47 **(k) or (l).**

1 SECTION 169. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,  
 2 SECTION 49, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This chapter applies to all  
 4 townships, ~~However, this chapter does not apply to a township in which~~  
 5 ~~the fire department of the township has been consolidated under~~  
 6 ~~IC 36-3-1-6.1.~~ **except townships located in a consolidated city.**

7 SECTION 170. IC 36-8-19-1.5, AS ADDED BY P.L.227-2005,  
 8 SECTION 51, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JANUARY 1, 2007]: Sec. 1.5. ~~If the fire departments of~~  
 10 ~~a township is consolidated under IC 36-3-1-6.1, after the effective date~~  
 11 ~~of the consolidation the township may not establish fire protection~~  
 12 ~~territory under this chapter.~~ **(a) In a county having a consolidated**  
 13 **city, only:**

14 **(1) a consolidated city; or**

15 **(2) an excluded city;**

16 **may establish a fire protection territory under this chapter.**

17 (b) A fire protection territory that is established before ~~the effective~~  
 18 ~~date of the consolidation in a township in which the township's fire~~  
 19 ~~department~~ **January 1, 2007, by a unit that** is consolidated under  
 20 IC 36-3-1-6.1 becomes part of the geographic area in which the fire  
 21 department of a consolidated city provides fire protection services.

22 SECTION 171. IC 36-9-11.1-11 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) All  
 24 property of every kind, including air rights, acquired for off-street  
 25 parking purposes, and all its funds and receipts, are exempt from  
 26 taxation for all purposes. When any real property is acquired by the  
 27 consolidated city, the county auditor shall, upon certification of that fact  
 28 by the board, cancel all taxes then a lien. The certificate of the board  
 29 must specifically describe the real property, including air rights, and the  
 30 purpose for which acquired.

31 (b) A lessee of the city may not be assessed any tax upon any land,  
 32 air rights, or improvements leased from the city, but the separate  
 33 leasehold interest has the same status as leases on taxable real property,  
 34 notwithstanding any other law. Whenever the city sells any such  
 35 property to anyone for private use, the property becomes liable for all  
 36 taxes after that, as other property is so liable and is assessed, and the  
 37 board shall report all such sales to the ~~township~~ **county** assessor, who  
 38 shall cause the property to be upon the proper tax records.

39 SECTION 172. IC 36-9-17.5-1 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. **(a) Except as**  
 41 **provided in subsection (b),** this chapter applies to ~~all townships: a~~  
 42 **township.**

43 **(b) This chapter does not apply to a township or township**  
 44 **district in a county having a consolidated city.**

45 SECTION 173. IC 36-10-7-1 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. **(a) Except as**  
 47 **provided in subsection (b),** this chapter applies to the townships

1 indicated in each section.

2 **(b) This chapter does not apply to a township in a county having**  
 3 **a consolidated city. All powers and duties related to parks and**  
 4 **recreation of the townships in a county having a consolidated city**  
 5 **are transferred to the consolidated city.**

6 SECTION 174. IC 36-10-7.5-1 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. **(a) Except as**  
 8 **provided in subsection (b), this chapter applies to all townships: a**  
 9 **township.**

10 **(b) This chapter does not apply to a township in a county having**  
 11 **a consolidated city, and all powers and duties related to parks and**  
 12 **recreation of the townships in a county having a consolidated city**  
 13 **are transferred to the consolidated city.**

14 SECTION 175. THE FOLLOWING ARE REPEALED  
 15 [EFFECTIVE JULY 1, 2006]: IC 3-11-1.5-32.5; IC 33-34;  
 16 IC 36-6-6-2.5; IC 36-8-4.3.

17 SECTION 176. [EFFECTIVE JULY 1, 2006] **The general**  
 18 **assembly finds the following:**

19 **(1) A consolidated city faces unique budget challenges due to**  
 20 **a high demand for services combined with the large number**  
 21 **of tax exempt properties located in a consolidated city as the**  
 22 **seat of state government, home to several institutions of higher**  
 23 **education, and home to numerous national, state, and regional**  
 24 **nonprofit corporations.**

25 **(2) By virtue of its size and population density, a consolidated**  
 26 **city has unique overlapping territories of county, city, and**  
 27 **township government and an absence of unincorporated areas**  
 28 **within its county.**

29 **(3) By virtue of its size, population, and absence of**  
 30 **unincorporated areas, development extends to and across the**  
 31 **boundaries of the contiguous governmental territories located**  
 32 **within a county having a consolidated city, thus giving less**  
 33 **meaning to boundaries of the governmental territories located**  
 34 **within the county.**

35 **(4) By virtue of its size, population, absence of unincorporated**  
 36 **areas, overlapping territories, and development to and across**  
 37 **the boundaries of contiguous governmental territories, there**  
 38 **is less need for differentiation of local governmental services**  
 39 **within the separate governmental territories located within a**  
 40 **county having a consolidated city, but rather the local**  
 41 **governmental service needs are similar and more uniform**  
 42 **within and across a county having a consolidated city.**

43 **(5) The provision of local governmental services by multiple**  
 44 **governmental entities with overlapping territories, and by**  
 45 **governmental entities with contiguous territories with less**  
 46 **meaningful boundaries, results in disparate levels of local**

1 government services within a county having a consolidated  
 2 city and results in the inefficient and poor use of taxpayer  
 3 dollars.

4 (6) As the state capital and a center for professional sporting  
 5 events, tourism, and culture in central Indiana, the  
 6 consolidated city faces unique demands for protecting  
 7 governmental property and securing the safety of large  
 8 numbers of residents and visitors, which require innovative  
 9 approaches to public safety resources.

10 (7) If public safety resources are consolidated, residual  
 11 services provided by townships are limited and can more  
 12 effectively and uniformly be performed through consolidation  
 13 at the city or county level.

14 (8) By virtue of its size and population patterns, township  
 15 assistance needs in a consolidated city are greatest in its urban  
 16 center and differ from the township assistance needs outside  
 17 the urban center, and the lesser township assistance services  
 18 outside the urban center can be more effectively and  
 19 uniformly delivered through a consolidated district.

20 (9) Substantial operational efficiencies, reduction of  
 21 administrative costs, and economies of scale may be obtained  
 22 in a consolidated city through further consolidation of county,  
 23 city, and township services and operations.

24 (10) Consolidation of county, city, and township services and  
 25 operations in the consolidated city will serve the public  
 26 purpose by allowing the consolidated city to:

27 (A) eliminate duplicative services;

28 (B) provide better coordinated and more uniform delivery  
 29 of local governmental services;

30 (C) provide uniform oversight and accountability for the  
 31 budgets for local governmental services;

32 (D) simplify the system of property taxation;

33 (E) provide more unified tax rates; and

34 (F) allow local government services to be provided more  
 35 efficiently and at a lower cost than without consolidation.

36 (11) Efficient and fiscally responsible operation of local  
 37 government benefits the health and welfare of the citizens of  
 38 a consolidated city and is of public utility and benefit.

39 (12) The public purpose of this act is to provide a consolidated  
 40 city with the means to perform essential governmental  
 41 services for its citizens in an effective, efficient, and fiscally  
 42 responsible manner.

43 SECTION 177. [EFFECTIVE JULY 1, 2006] For property taxes  
 44 first due and payable in 2007, the maximum permissible ad  
 45 valorem property tax levy under IC 6-1.1-18.5 for a county having  
 46 a consolidated city is increased by the amount levied in 2006 for



1 assessor and related services by each township in the county.

2 SECTION 178. [EFFECTIVE JULY 1, 2006] Each township  
3 district shall refer the township district's proposed budget, ad  
4 valorem property tax levy, and property tax rate for 2009 to the  
5 local government tax control board, which shall review and set the  
6 budget, levy, and rate as though the township district is covered by  
7 IC 6-1.1-18.5-7. For property taxes first due and payable in 2009,  
8 the maximum permissible ad valorem property tax limits and any  
9 other limits on ad valorem property taxes set forth in IC 6-1.1-18.5  
10 for:

11 (1) a central township district shall be based upon the sum of:

12 (A) the amount levied in 2008 for the general fund; plus

13 (B) the amount levied in 2008 for township assistance,  
14 including reasonable administrative costs, in the central  
15 township district in a county having a consolidated city;  
16 plus

17 (C) thirty-five percent (35%) of the amount levied in 2008  
18 for township assistance, including reasonable  
19 administrative costs, by each other township located in the  
20 county containing a consolidated city; and

21 (2) a consolidated township district shall be based upon  
22 sixty-five percent (65%) of the amount levied in 2008 for  
23 township assistance, including reasonable administrative  
24 costs, by each township located in a county having a  
25 consolidated city, other than the central township district in  
26 a county having a consolidated city.

27 SECTION 179. [EFFECTIVE JULY 1, 2006] (a) Any case pending  
28 in a township small claims court established by IC 33-34, as  
29 repealed by this act, after the close of business on December 31,  
30 2006, is transferred on January 1, 2007, to the corresponding  
31 township division of the small claims division of the Marion  
32 superior court established under IC 33-33-49-14(c)(5) and  
33 IC 33-33-49-14.1, both as added by this act. A case transferred  
34 under this SECTION shall be treated as if the case were filed in the  
35 corresponding township division of the small claims division of the  
36 Marion superior court.

37 (b) On January 1, 2007, all property and obligations of a  
38 township small claims court established by IC 33-34, as repealed by  
39 this act, become the property and obligations of the corresponding  
40 township division of the small claims division of the Marion  
41 superior court established under IC 33-33-49-14(c)(5) and  
42 IC 33-33-49-14.1, both as added by this act.

43 (c) This SECTION expires January 2, 2008.

44 SECTION 180. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding  
45 the amendment and repeal by this act of provisions in IC 33-33-49  
46 and IC 33-34, the term of a judge in office in a township small

claims court established by IC 33-34, as repealed by this act, does not terminate until the date that the term would have terminated under the law in effect on December 31, 2006. The election for the initial small claims judges to be elected to the township divisions of the small claims division of the Marion superior court under IC 33-33-49-13.1, as added by this act, is the election to be held in the November immediately preceding the date that the corresponding term of the judge in office in a township small claims court established by IC 33-34, as repealed by this act, on December 31, 2006, would have terminated under the law in effect on December 31, 2006.

(b) Notwithstanding the amendment and repeal by this act of provisions in IC 33-33-49 and IC 33-34, the term of a constable for a township small claims court established by IC 33-34, as repealed by this act, does not terminate until the date that the term would have terminated under the law in effect on December 31, 2006. The election for the initial small claims constables to be elected under IC 33-33-49-14.2, as added by this act, is the election to be held in the November immediately preceding the date that the corresponding term of the constable for a township small claims court established by IC 33-34, as repealed by this act, on December 31, 2006, would have terminated under the law in effect on December 31, 2006.

(c) This SECTION expires January 2, 2011.

SECTION 181. [EFFECTIVE JULY 1, 2006] (a) For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is increased for a consolidated city by the amount levied in 2006 for fire protection and related services by each:

- (A) township;
- (B) airport authority;
- (C) fire protection territory; or
- (D) excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act; and

(2) is reduced for:

- (A) a township;
- (B) an airport authority;
- (C) a fire protection territory; or
- (D) an excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act, by the amount levied in 2006 for fire protection and related services by each township, airport authority, fire protection territory, or

1 excluded city whose fire department is consolidated into the  
 2 fire department of a consolidated city under IC 36-3-1-6.1, as  
 3 amended by this act, or IC 36-3-1-6.3, as added by this act.

4 (b) This SECTION expires January 1, 2008.

5 SECTION 182. [EFFECTIVE JULY 1, 2006] For property taxes  
 6 first due and payable in 2007, the amount levied in 2006 by each:

- 7 (1) township;
- 8 (2) airport authority;
- 9 (3) fire protection territory; or
- 10 (4) excluded city;

11 whose fire department is consolidated into the fire department of  
 12 a consolidated city under IC 36-3-1-6.1, as amended by this act, or  
 13 IC 36-3-1-6.3, as added by this act, for its cumulative building and  
 14 equipment fund for fire protection and related services is  
 15 transferred to the consolidated city's cumulative building and  
 16 equipment fund for fire protection and related services, which is  
 17 hereby established. The consolidated city is exempted from the  
 18 requirements of IC 36-8-14 and IC 6-1.1-41 regarding  
 19 establishment of the cumulative building and equipment fund for  
 20 fire protection and related services.

21 SECTION 183. [EFFECTIVE UPON PASSAGE] (a) This  
 22 SECTION applies only to a township in a county having a  
 23 consolidated city.

24 (b) Notwithstanding IC 3-10-2-13, as amended by this act, a  
 25 township assessor for each township in the county shall be elected  
 26 at the 2006 general election for a term of two (2) years beginning on  
 27 January 1 following the election as set forth in IC 36-6-5-1, as  
 28 amended by this act.

29 (c) This SECTION expires on January 1, 2009.

30 SECTION 184. [EFFECTIVE UPON PASSAGE] (a) This  
 31 SECTION applies only to a township in a county having a  
 32 consolidated city.

33 (b) Notwithstanding IC 3-10-2-13, as amended by this act, a  
 34 township trustee for each township in the county shall be elected at  
 35 the 2006 general election for a term of two (2) years beginning on  
 36 January 1 following the election as set forth in IC 36-6-4-2, as  
 37 amended by this act.

38 (c) This SECTION expires January 1, 2009.

39 SECTION 185. [EFFECTIVE JULY 1, 2006] The legislative  
 40 services agency shall prepare legislation for introduction in the  
 41 2007 regular session of the general assembly to organize and  
 42 correct statutes affected by this act, if necessary."

43 Renumber all SECTIONS consecutively.

(Reference is to HB 1362 as printed January 20, 2006.)

---

Representative Crawford